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SOCIAL SCIENCE SERIES
GEORGE LEFEVRE, Editor

CHILDREN BORN OUT OF WEDLOCK

A Sociological Study of Illegitimacy, With Particular Reference to the United States

By

GEORGE B. MANGOLD, Ph. D.
Director of the Missouri School of Social Economy
University of Missouri

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
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CONTENTS

Page

Introduction 1

Bibliography 196

Index 203

CHAPTER I

Illegitimacy in the United States 14

CHAPTER II

Causes and Conditions Underlying Illegitimacy 36

CHAPTER III

Commercial Agencies for the Care of Mothers 80

CHAPTER IV

Philanthropic and Public Agencies 92

CHAPTER V

The Outcome for the Child 115

CHAPTER VI

Age of Consent 134

CHAPTER VII

Legislative Reform 145

CHAPTER VIII

Prevention 184

PREFACE

During the last twenty-five years two books dealing with Illegitimacy have been written in the English language. Little has been known about the situation in America and social workers until recently have given the subject scant consideration. But times have changed and this problem can no longer be ignored. Realizing this fact investigators in various localities have made short surveys and have contributed to the literature on the subject. In addition to these surveys two valuable studies have been made by the Federal Children's Bureau, one entitled "Illegitimacy Laws of the United States and Certain Foreign Countries," the other, "Illegitimacy as a Child Welfare Problem." Both of these reports present excellent information relating to the problem in the United States. By means of this study the author hopes to increase the interest now manifested in this important question. He is anxious particularly to present information concerning causes and present methods of treatment. A condition which results in almost as many illegitimate children annually as there are divorces is worthy of serious study.

What are we doing to ascertain and interpret the causes of this evil? Are we dealing effectively with mother and child? How about the father? How successful has been our remedial legislation? Have we an adequate preventive program in consideration? These and other questions suggest themselves. We must, therefore, face this problem fearless-

ly, resolve the causes into their individual and social elements as far as possible, and then build up a permanent constructive program.

This book does not pretend to accomplish these ends. It recognizes the need of additional case study and of more conclusive statistics relating to many aspects of the problem. If, however, it can indicate some forward steps, the author will be content. Too long have we waited on each other; too long have we refused to consider impartially the broader human phases of illegitimacy and the attitude which society must take towards the men, women and children involved. Whatever can be done to meet such needs will represent an important gain.

George B. Mangold.

INTRODUCTION

Not until a few years ago was it possible to discuss sex problems in public and before mixed gatherings. The topic of illegitimacy was tabooed and people dared to talk only in whispers about evidence of immorality and vice. Even today such words as "prostitute," "illegitimate," "bastard" and similar expressions can with difficulty find a place in our daily newspapers. Nevertheless, a tremendous change has taken place in the popular mind. Everywhere individuals are beginning to speak more freely on some of these forbidden subjects. Social workers in particular have recognized the need of sound public opinion in order that some advance might be made in the solution of sex problems. Investigations of various kinds have therefore been instituted and a pamphlet literature on illegitimacy and allied topics has begun to accumulate. The great world war has accentuated the problem. In Europe the volume of illegitimacy, as will appear later, is dangerously great; moreover, with the outbreak of the war, motives, impulses and tendencies were liberated which have, no doubt, increased the irregular relations which before were already altogether too common. Our own illegitimacy rate has been rather low and the problem as a whole has not given the social worker much serious concern. However, certain social agencies have been forced to deal with the unmarried mother and her friendless child and have begun to realize the growing gravity of conditions in the United States. Furthermore, the entrance of our country into the great struggle between democracy and autocracy focused the eyes of thousands, who had not thought of the problem before, on the moral dangers which usually accom-

pany the abnormal functioning of so large a proportion of the population. Many social agencies have tried to prepare themselves to meet the new situation and an active campaign has been organized among young women to insure their moral protection.

It is to be hoped that measures of this kind will prevent any considerable increase in the amount of illegitimacy but whatever be the results without doubt attention has been called to this question in so emphatic a way that the lesson will never be forgotten and as a consequence there will develop a new and saner program for the care of the illegitimate child.

In the past the world has always tolerated a double standard of morals. This has especially oppressed the sex that could not defend itself in a contest of physical powers. The male has usually been the aggressive, and the female the passive, sex. Nevertheless, gross deviations by the former from the path of sex rectitude have received but little condemnation, while a slight error of woman has usually been visited with the swiftest and most condign punishment. The original sex standards were largely a man-made product. Woman had but little share in shaping these standards and she accepted them without much protest. Eventually she applied them in most rigid manner and as a consequence the so-called fallen woman has become an outcast while the equally guilty man has remained in good social standing.

Man has long tried to teach woman the beauty of woman's virtue. The old Roman father plunged his knife into his daughter's heart rather than see her virtue stained. Jacob's sons spoiled a city because their sister sold her virtue to Shechem. The ancient German jealously guarded the virtue of his daughters and taught them the lesson of purity; wher-

ever Teutonic ideals have taken root, chastity of woman has become almost as dear as life itself.

Society has always struggled with the self-centered motives of individuals and has found it especially difficult to temper the selfishness of the male. The noble Roman did not shrink at the thought of destroying the virtue of a barbarian's daughter or even of a helpless Roman woman. Israel's sons did not respect the virtue of Canaan's daughters. The German was not as true to his neighbor's daughter as to his own. Had the male applied to himself a small part of the austere morals he demanded of the other sex, our history would tell a different story and our morals would be of different character. But the coercion which man exercised was never matched by a similar coercion from woman, and the standards of today condone in man what they hold unpardonable in woman. The unmarried mother silently bore the burden of her transgressions and as an outcast completed a life full of despair. Few were left to mourn her loss or departure. Her sins had blackened her soul beyond cleansing and no one could afford to suffer the degradation which companionship with her would inevitably impose. Dishonored, she sank into a forgotten grave.

In recent years, however, her claims on life and on human compassion have gradually received a new consideration. Instead of being branded with the scarlet letter on her breast and placed in the pillory on the public square, she has in some cases obtained a second opportunity and, occasionally, fair treatment. In literature, maternity unsanctioned by the law or the church has pleaded for the mercy that ennobles the human breast, and gradually in law the unmarried mother has gained new rights. Sentiment, the supreme court of public opinion, however, has not reversed its decision nor seriously modified its implications and today the forbidden step still leads to human desolation and the wilderness of buried hope.

And yet, not entirely. The dawn of a new day is at hand and is slowly giving way to justice. This movement has compelled men to become introspective. Is not sin equally black whether committed by male or female? Has sin a sex? Is it peculiar to woman? Questions such as these haunt virtuous and socially minded men to whom the unfairness of today makes its invincible appeal, and to whom the bitterness that envelops a betrayed woman's soul engenders a sense of outraged justice. Slowly, men will rise above themselves and say "we too have sinned." Why do we throw stones? Slowly, men begin to see the injustice which ruins one sex but excuses the other. Accordingly, a change is gradually taking place which will not make morality among women less desirable, although a greater opportunity for restoration to society will be given, but which will subject the sexually immoral male to such disgrace and reprobation that the humiliation will act as a powerful deterrent.

In other words, moral standards among women are not to be lowered, but standards among men will rise until the two intersect and a common ground will be reached. The increased rights and opportunities of woman are partly responsible for this movement. When woman was unfit for education, for professional life, for public service, and was used chiefly as a beast of burden, for rearing children and for sex gratification, her rights were precariously few. But the gradual emancipation of woman brings with it not only a release from galling handicaps in industry, science and education, but it also forces a reconsideration of the double standard of morals.

The social wrong of today lies not so much in the severe penalty imposed upon the offending woman, but on the comparative immunity granted the more blameworthy men. The young man falls in love with a virtuous girl; they promise to

marry; she is persuaded to yield her body; he repudiates the woman he has deceived and her maternity is buried in disgrace. She becomes an outcast, his sin is soon forgotten; he marries another woman or ruins some fresh and innocent girl. Is it any wonder that in this age of unrest, when justice is being enthroned, that the women denounce a system which treats them so harshly and relentlessly?

It is evident that public sentiment concerning illegitimacy has been shaped by the operation of several important factors. The female sex must bear the young. Woman must carry the physical evidences of approaching maternity and cannot hide the evidence of her shame. The finger can always be pointed at her because her guilt cannot remain undiscovered, but the equally guilty man can easily escape, since no one but the unfortunate woman herself knows his identity. Pregnancy and child birth label the woman. Next follows the handicap of caring for the child or the disagreeable task of disposing of it. Illegitimacy, therefore, imposes on woman a special burden and her marriageability, as well as economic and social usefulness, is affected thereby.

Consequently, the natural and almost inevitable effect of illegitimacy has been disgrace to woman. Undoubtedly this result is partly responsible for the high standards applied to women both by themselves and the opposite sex. If immorality is so baneful in its physiological and economic consequences, then it is most unsocial and cannot be too strongly condemned. The physiology of sex is, therefore, one of the natural, but not necessarily persistent, causes of a double standard of morals. The handicaps of a woman with her baby, the comparative immorality, the difficulty in maintaining a livelihood and other correlated conditions have proven a great disadvantage.

The second factor was the physical superiority and greater mobility of man. It was difficult to impose penalties on man as

it was almost impossible to prove paternity; hence, few men would be disgraced and the disgrace that was attached to a man was soon forgotten. He did not carry with him the evidences of his misconduct. People were not constantly reminded of his sin; and therefore an ignorant community soon forgot to associate a certain man with the offense and and its consequences. Or a guilty man might flee to some distant locality and begin life anew without being followed by public knowledge of his misdeeds. Without the physical brand of wrong-doing on his person his escape from responsibility has been comparatively easy.

That the double standard of today is, in part at least, the natural outcome of utilitarian conditions that constantly shape morals is without question. In a society where foresight was slight, solidarity largely absent, and conscious planning in a primitive state, the double standard arose as the inevitable result of the requisites of social survival and individual happiness. Consequently, law and religion both sanctioned the differences that existed in the respective treatment of offending men and women. The disparity of conditions in the twentieth century is a survival of the coercion of the ages. It represents the codified results of past experience and the conservation of a principle that once protected women from the tendency to practice unlawful sex relations.

In the light of history shall we then say that the double standard must remain for all time? Is it not true that the rights and opportunities of women have always been subordinated to those of men? Yet the woman's movement has in less than one hundred years gained for women results more remarkable than had been achieved in all previous history. Has not the superstition that woman must be subordinated and discriminated against been largely destroyed? Has woman not gained the right to education, to a professional career, to voluntary celibacy, to greater freedom of movement, to

greater privileges before the law, and, in some countries, to the right to participate in the affairs of government and to a living wage? Without doubt, the social and political emancipation of women is proceeding at a most rapid rate although the gains are all of comparatively recent time. The difference in standards of morals is evidently a case in sex discrimination and is not the only form of discrimination that has existed. The existence from time immemorial of other differences has not proven their basic or inherent character. In fact, many of these are already destroyed. We cannot, therefore, conclude on the basis of analogy that the double standard of morals is either ineradicable or inevitable. Its social coercion may not be more persuasive than that of other extinct forms of discrimination.

In this age when all forms of injustice are attacked and, if possible, reduced or destroyed, the double standard of morals must submit to a new examination of its merits, and if not based on fundamental conditions of social welfare, its appeal will fail. Illegitimacy must always bear more heavily on women than on men since the fundamental nature of maleness and femaleness necessitates this difference. If the individual effect were the true basis for the moral standard, then the exactions demanded of woman must be more severe than the requirements imposed on men. The social effect however, is the more important influence and must determine standards. Is our social welfare best promoted by a uniform standard or by one that discriminates against woman? Do the factors that once operated to produce a dual standard still continue in force? Or have they been replaced by new considerations? One factor of great importance cannot be passed over without emphasis on its far-reaching influence. It is the power of human passion. Is it equal in the sexes or unequal? If equal, then why the great excess of male immorality? If unequal, is the difference inherent or due to

conditions that can be modified? The author does not propose to offer the last word on this subject. He does insist that it has a tremendous bearing on the problems of a single standard of morals. So-called virtue is of two varieties; that which results in good actions, no temptations to evil being present, and that which overcomes temptation and triumphantly presents the good. To what extent is the virtue of woman a victory of mind over body? To what extent in man? This important question is receiving much attention today, and advanced advocates of social hygiene insist that "sex necessity" is false doctrine and that perfect continence is possible. This argument is, of course, advanced to apply to the great bulk of males, to all except a few who are perverts. That a large proportion of men are moral is undoubtedly true, but the problem relates itself to those, whether a minority or the majority, who have not remained moral. Are they capable of self-restraint? If so, even though it be more difficult than in the case of woman, incontinence can be wiped out and illegitimacy and prostitution eliminated. A higher ideal will inevitably bring severer condemnation on the offending male and a nearer apporach to a uniform standard of morals. Greater self-control, increased capacity for self-control and improved social conditions will surely work in the direction of a single standard of morals.

More and more the welfare of humanity must be expressed in terms of mental joy and satisfaction. With the increasing recognition of woman's right to happiness it depends in greater measure than ever before on high ideals and good morals. In the near future women will not overlook immorality among their male friends and finally marry sexually tainted men. The woman of tomorrow cannot respect the man "with a past." Happy homes cannot be founded on a dual standard. So long as women were ignorant, the menace to the homes was slight, but with the intellectual emanci-

pation of women must come the collapse of the old system and the introduction of an equality which will force men to standards similar to those men have enforced on women.

The highest form of mutual respect cannot exist where dual standards are maintained. Again, the attitude of parents toward children is more wholesome when the parents thoroughly respect each other. Sons will receive better guidance and daughters will be taught to demand clean companions. Wifehood, motherhood and childhood all plead for a uniform level of morals.

Decades must pass, however, before the attitude toward men will be identical with that toward women. But so long as it differs, so long men are logically compelled to regard illegitimacy, immorality and prostitution as tolerable, and their female victims as inevitable sacrifices to the lust of men. Nevertheless, logic does not control and immoral women are reviled and become social outcasts. If the double standard is necessary then these women should receive the respect due to any group that performs a public service.

That the social consequences of illegitimacy are disastrous admits of no serious doubt. That men are more aggressive than women and also more blameworthy is, furthermore, true. From the social point of view, man as the co-partner and aggressor is the greater offender and his condemnation should be the more severe. His actions cannot be extenuated; and a stern standard of morals must be imposed in order that deterrent effects may be realized. Society must make demands proportionate to the conditions. Therefore the standard of morals should bear more heavily on men than on women, although the converse is at present the case.

The sex instinct is present in every normal man and woman. The legal opportunity for that instinct to function should be gained by all persons some time in life; that is, marriage should be within the range of all normal people.

The unmarried, whether men or women, must, to remain moral, restrain their sex impulses. To do this their energies and activities must be directed into other channels and the effect of such diversion must overcome the latent but ever present impulse of sex.

No one has yet informed the world of the width of the gap between the normal impulse in man and in woman. Yet, our whole program of social hygiene, sex education and treatment of sexual offenses depends on the answer of this question. Have we ever stopped to realize the effect on mind and sex impulse of the slush and filth with which a large proportion of young boys are bespattered? Have we ever attempted to weigh the effect of the false ideals taught to our youth, of the "manliness" of sex immorality; of the environment and coercive habits of adolescence and young manhood? Suppose the exact environment of the young girls and women with its ban on the individual right of self-expression, of emotion and sex impulse were imposed on the male sex, what would be the effect?

On the other hand, if our young girls should hear the language and thoughts expressed before the youth of our land would not an awakening of sex consciousness follow, the grave consequences of which would appall the world? Even now we find among the neglected and delinquent girls that appear before our juvenile courts an astounding mass of immorality. Is the girl who lives with her family in a single room, where sex faces her constantly, made sexually precocious, or do her sex instincts slumber on as in the case of many "sheltered" girls? There is the utmost need of an exhaustive case study made by competent persons of one or two thousand young women capable of interpreting themselves and of linking sex instinct with other emotions and impulses. The sexuality of the unmarried woman is hid under a bushel. She dares not disclose it, yet it surely must be

there, and only too often the dread fact of illegitimacy, prostitution or immorality reveals a condition which should have received rational attention instead of being shunned and disdained because of a mock modesty. The woman has yet to appear who will write truthfully and courageously and constructively about her sex and who will open the eyes of the world to the sex life of women. Yet without such knowledge, we cannot meet our problems and solve them. We can only guess and then work in darkness. Nor has the man presented himself who has weighed the innate and acquired sex impulses of man and woman and who has given us an adequate basis for a social program. The physician and physiologists should face this question fearlessly and not for the sake of developing some particular propaganda whether good or bad. The social worker should strive to attain fundamentals. It does not necessarily follow that because a young woman has been corrupted, laws punishing the guilty man should be regarded as a solution of the problem. Nor must we assume that the coarse woman of the street is an original source of corruption and that to punish her solves a problem. The moralist has much to learn about sex life. The time to put on moral blinkers or to ignore facts, after the fashion of the ostrich, has passed. We need to get upon the solid earth, then determine our latitude and ascertain our whereabouts. When the physiologist, the moralist, the law maker and the social worker have properly constructed their fortress of fundamental facts, then the task of destroying the various sexual sins can be undertaken in real earnest and some measure of success will be assured. Much time will elapse before this goal will be attained. Meanwhile, a program of amelioration must be carried out; hope restored to women who are hopeless; and a burden placed on the shoulders of both the man and the woman who are partners in an offense against themselves and a sin against society.

The social consequences of illegitimacy are most disastrous. Both sexes are indispensable to the consummation of the offense. The child is innocent and to penalize him represents a vicarious sacrifice such as is borne by no other group of unfortunates throughout the world. It is a wrong with perhaps no extenuating circumstances. It is impossible to believe that injustice to innocent children is necessary in order to compel men and women to perform their moral obligations and to live morally.

To penalize woman, to disgrace her irretrievably, especially in view of the social responsibility for her downfall, resembles torturing an animal and then punishing it for its writhing. Woman is partly to blame and must bear her part of the burden, but she must not be crushed. Without the hope of moral rehabilitation the human being sinks to the level of brute creation and loses every fine instinct that characterizes her as human. In our theories of penology we have advanced sufficiently to reject entirely punishment for the mere sake of justice, to consider its deterrent qualities of minor importance and to make a program of rehabilitation the chief consideration. Not so, however, in the case of illegitimacy. Punishment is drastic and reform hardly attempted.

As far as they relate to men, our laws are almost helpless and public opinion as expressed in the acts of attorneys, judges and juries still more so. The promotion of social welfare requires equal responsibility of the male with the female for their illegitimate offspring. The past emphasis on moral responsibility does not meet the situation. The blame attached has been so light and society has been so forgiving that deterrent effects have hardly been realized. That public action must produce such effects is unquestioned. Probably results can be most easily achieved by means of enforcing drastic financial responsibility for illegitimate children. The Napoleonic Code prohibits inquiry into the paternity of such chil-

dren and several European countries are still under the spell of this iniquitous point of view. Some American states likewise refuse to attach any responsibility to the putative father. This is most unjust if it is true that men and women should be accorded equal treatment. There should be full inquiry into the paternity of all illegitimate children, and then paternal responsibility should be imposed. The treatment of illegitimacy must be made to accord with the principles that determine our social welfare.

The attitude toward child, mother and father must be fixed by this consideration. All laws and methods of punishment or treatment must be able to answer the question, do they work toward the highest moral and social welfare of society? Judged from this standpoint there can be but little doubt that disabilities placed on children are ineffective deterrents and hardly promote morals. The energetic handling of father and mother, however, should gain results, especially if accomplished in such a manner as will discourage a dual standard of morals and the tradition that girls are the legitimate prey of men anxious to sow a few wild oats. When we will really apply ourselves earnestly and fearlessly to this question we will, no doubt, discover that ignorance and false teaching are such decisive factors that preventive work will soon outstrip corrective work. That will be a happy consummation of our efforts; for it will reduce to a minimum the initial sorrow and suffering as well as the amount of subsequent corrective work. It is toward these ends that the social reformers must bend their energies.

CHAPTER I

ILLEGITIMACY IN THE UNITED STATES

Illegitimacy is less common in the United States than in most of Europe or in the remainder of the civilized world. Nevertheless, this nation cannot afford to blind its eyes to the conditions that exist, nor can it allow them to become gradually worse. It must face the facts and then apply such remedies as will be effectual.

Knowledge of the volume of Illegitimacy in the United States has depended almost entirely upon the development of systems of birth registration. Our vital statistics have been, and still are, grossly inadequate. The need of definite information has not been felt and the usefulness of facts that have been collected has not been adequately appreciated. Most European countries, even the backward nations, know more about the changes and conditions among their population than do the people of the United States. The European habit of gathering facts resulted from a belief in the vitality of statistics; nevertheless, it is doubtful how much has been accomplished thereby. In the United States so little attention has been given to the consideration of various social problems that accurate birth registration as a starting point for a program relating to problems of child welfare has been almost overlooked. Here the registration of deaths and of diseases has but slowly opened the way for other statistics. These phenomena are too important to remain unmeasured and the bulk of our states have fairly accurate mortality statistics. Our decennial census has regularly gathered an unwieldy mass of information including sociological material of considerable importance, but the economic and industrial conditions have generally received first consideration and the maximum of space in the published reports. On the whole the

American people have not demanded facts about the various aspects of their social life, and accordingly the information has not been forthcoming. However, the Federal Children's Bureau and other organizations as well have begun to emphasize this necessity and as a consequence, statistics relating to births, both legitimate and illegitimate, will, in the near future, be gathered in the majority of states.

Early Records of Illegitimacy

The State of Massachusetts was the first American commonwealth to present statistics on illegitimacy, its first figures on the subject being reported for the year 1854. How serious the efforts were to gain complete birth records can hardly be surmised at the present time, but the beginning had at least been made. That the problem of illegitimacy received some consideration is evident from a passage in the Massachusetts report of 1858, according to which a girl aged ten years, eight months and seven days had given birth to a baby boy weighing eight pounds. The baby was born in an almshouse and at eighteen months weighed 37½ pounds. In the same year out of 293 illegitimate births recorded, 75 occurred in three almshouses of the state. For more than forty years Massachusetts annually published the statistics on illegitimacy and for many years it gave figures for various counties, but owing to the gradually growing volume of information presented in registration reports a demand arose for the elimination of the least important statistics. Accordingly, the figures relating to illegitimate births were omitted, the report for 1895 being the last to list them.[1] That this information was not used for practical purposes is quite evi-

[1]Rates may be computed in one of the following ways:

I. Absolute rates, expressed in terms of quantity of the population, or a part thereof. In the group are included:

1. Rate of illegitimacy among a given population. This method of computation is usually unsatisfactory because it does not consider differences in the demographic conditions of social

dent; that the series of facts for Massachusetts should have been interrupted is most unfortunate from the historical standpoint.

Connecticut was one of the earliest states to require the registration of births. As in the case of Massachusetts the state did not at first distinguish the illegitimate from the legitimate births; besides, other valuable information was overlooked. The interest of the physicians in sociological facts,

groups, age, sex, conjugal conditions and race being very important. On the other hand, it is the only method which enables us to estimate the importance of illegitimacy as a problem in any given population.

2. The rate of illegitimacy among a given number of unmarried women of child-bearing age, the age period usually considered being 15 to 45 years. This method is considered the best from a statistical standpoint, because it gives the actual amount of illegitimacy among that part of the population having potentiality for illegitimacy, the rate being the quotient of the number of unmarried mothers divided by the total number of unmarried women 15 to 45 years of age. A still better comparison would consist of the relation of the number of unmarried mothers of each age to the total number of unmarried women at such age.

II. Relative rates, expressing proportions between two variable terms or quantities.

1. The proportion of illegitimate to total, or all, births. This rate is easily secured as it can be computed wherever birth registration is required and births are classified as legitimate or illegitimate. It is not a satisfactory measure of illegitimacy because the conditions controlling the legitimate birth rate are very different from those affecting illegitimate births. If the general birth rate declines then, unless the illegitimate birth rate measured in the same manner as the general rate also declines, the apparent illegitimacy will increase. Nevertheless, this is the method of comparison most frequently used and on account of the facility in computing this proportion, most deductions are based on this rate. If the birth rate is stationary, the results are usually good, but if great reductions have occurred, the comparisons are far from satisfactory.

2. The proportion of illegitimate to legitimate births. This

as well as medical, is apparent from the request made in 1858 by the state medical society that the report on vital statistics be enlarged to include facts relating to still births, illegitimacy, plural births, nativity of parents and colored population. Previous to this time, only the simplest information was gathered and the social significance of more wide-spread knowledge regarding these subjects was not appreciated. The Commissioner's report for the year 1858 contained a few statistics on illegitimacy and all subsequent reports have included this item among the various conditions represented on the

method is almost identical with the preceding one and has similar advantages and disadvantages.

None of these methods of measuring illegitimacy are entirely satisfactory. Although some of them give us an idea of volume or of proportion, they do not show the susceptibility at various ages. The solution of the problem is considerably affected by the rate of illegitimacy among the unmarried women of various specified ages. The statistics, however, are usually lacking to make such a comparison possible. In the United States practically the only figures are the ones relating the illegitimate births to the total number of births. The Children's Bureau, however, has estimated the number of illegitimate births per 1000 unmarried women from 15 to 45 years of age.

The various effects that may be produced depending on the method of computation are well illustrated in the following table taken from the British statistics of illegitimate births in England:

DECLINE OF ILLEGITIMACY IN ENGLAND

YEARS	Illegitimate births per 1000 of all births		Illegitimate births per 1000 of the population		Illegitimate births per 1000 unmarried women 15-45	
	Number	Ratio	Number	Ratio	Number	Ratio
1876-80	47.5	100	1.7	100	14.4	100
1906-10	40.2	84.6	1.1	64.7	8.1	56.3
1911	42.7	89.9	1.0	58.8	8.0	55.4
1915	44.5	93.7	.91	58.3	7.4	51.4

Three methods of comparison are introduced in the foregoing

birth records. Connecticut is, therefore, the only state which has records on illegitimacy covering a period of sixty years or more.

The remaining state which deserves mention is Michigan. Its vital statistics were reported for the first time in 1868, and the distinction between legitimate and illegitimate births was made from the beginning. The state, therefore, has unbroken records for a period of fifty-two years. Apart from these states no statistics of importance dealing with il-

table. Using the five year period 1876-80 as a base we find according to the first method that the proportion of illegitimate to all births has slowly declined and that by 1911 it had fallen 11.1 per cent, a rather small decline. Throughout this period, from 4 to 5 per cent of the births were recorded as illegitimate. Viewed from the standpoint of disabilities affecting children the facts are rather discouraging because the proportion of illegitimacy has fallen so little.

The second method yields more favorable results. It shows that among the English people considered in the aggregate illegitimate births form a constantly decreasing proportion of the population. This is specially important because it implies that illegitimacy is relatively much less serious than formerly. In 1911 there were added to the illegitimate children of England only slightly more than one-half as many per 1000 of the population as in the peried of 1876-80.

The third set of figures throws light on moral conditions in England and yields the most important result of all. It is well known, of course, that the English birth rate has suffered a considerable decline during the thirty-five years covered by the table, but the causes which affect the rate of legitimate births are very different from those influencing the illegitimate births. Consequently, the one may fall and the other rise. In actual practice, both have fallen, but the illegitimate birth rate has declined the more rapidly. Accordingly we find that among the unmarried women of child-bearing age the rate of illegitimacy fell nearly fifty per cent during this period. These figures indicate that moral standards among single women are higher than formerly. It naturally follows that a smaller proportion of single women or of children will be compelled to suffer the social and legal penalties that illegitimacy imposes.

legitimacy were gathered until several years after the beginning of the twentieth century.

It is interesting to observe the figures given by the various state reports. Massachusetts begins with an incredibly low rate of illegitimacy—two-thirds of one per cent of all births—but the rates gradually rose to 2.09 per cent in 1890. Both Connecticut and Michigan reported an average of less than one per cent, but their figures indicate serious fluctuations in the proportions. All of these rates are so low when contrasted with those prevailing in continental Europe that were it not for the confirmation that is afforded by later statistics in these states their value might be seriously impaired. Nevertheless, measured in terms of percentage of increase, great changes have occurred. Massachusetts tripled its rate betwen 1854 and 1890, while the other two states also showed considerable increase. There can be no doubt that much of this increase is only apparent and is really due to a more nearly complete registration of illegitimacy. That these statistics are not haphazard, however, is indicated by the fact that the various counties in Massachusetts reported widely contrasting rates. For example, in 1878 Suffolk County recorded a rate of 3.1% and in 1890 of 5.3% or more than twice the average for the entire state. On the other hand, the rates for Middlesex County seem to have been consistently lower than those generally prevailing throughout the state. The Boston statistics were exceedingly noteworthy. In 1887, 730 illegitimate births were recorded, and in addition 90 of unknown parentage. This constitutes a rate at least three times as high as that for the state at large. But in 1891 the recorded cases numbered 654 and in 1892 they fell to 433. What remarkable social change reduced the illegitimate births more than 200 in one year?

The figures for Michigan also indicate an attempt to report the facts truthfully. This conclusion becomes apparent in studying the percentage of illegitimacy discovered among mulattoes and negroes. For example, the statistics of 1890

show that the reported rate for white persons was .81 per cent while the rate among mulattoes was 4.21 per cent and among negroes 4.52 per cent. According to these figures illegitimacy was five times as common among negroes as among whites. The recent statistics tend to throw additional light on these differences.

Present Conditions

The desire to promote social welfare has resulted in a movement toward the systematic registration of births. A "birth registration" area is gradually developing and many states have enacted, and are enforcing, laws requiring the registration of births. These records are in most cases as inclusive as required by the standard registration certificate, unless the facts relating to illegitimacy are ruled out. In spite of the large number of states that now have legally provided for a system of birth records and for annual reports covering their vital statistics only a few have published figures on illegitimacy.

However the Federal Bureau of the Census has made use of the available material and in its annual reports on Birth Statistics presents such figures as it has been able to collect. The following table gives the proportion of illegitimate births for the years 1917 and 1918:[2]

[2]Bureau of the Census. Birth Statistics. 1917 and 1918.

Percentage of Total Births Reported Illegitimate

AREA	Percentage illegitimate	
	1917	1918
Registration area	1.79	1.67
Connecticut	.98	1.1
Indiana	1.31	1.21
Kansas	.71	.63
Kentucky	1.45	1.24
Maine	.97	.84
Maryland	4.62	4.57
Massachusetts	.84	.72
Michigan	1.24	1.24
Minnesota	1.61	1.56
New Hampshire	1.09	1.30
New York	1.22	.90
North Carolina	4.92	4.53
Ohio	1.25	1.26
Pennsylvania	1.78	1.80
Rhode Island	1.42	.84
Utah	.72	.85
Vermont	1.23	1.27
Virginia	5.35	5.07
Washington	.94	.85
Wisconsin	1.20	1.19

Illegitimacy According to Race and Nationality

RACE & NATIONALITY	Per cent of births illegitimate	
	1917	1918
White	1.23	1.13
White of native parents	1.52	1.40
White, mother foreign born	.53	.45
White, mother Italian	.19	.15
White, mother Polish	.55	.49
White, mother British	.83	.65
White, mother Irish	1.21	.95
White, mother German	.80	.55
Negro	11.94	11.10

According to these tables the only states with an illegitimacy rate higher than two per cent of the total births are those having a considerable negro population. However, less than one-half of the states are represented and conditions may be different in some of them; for example, the vital statistics of Missouri show that in 1917 the recorded rate of illegitimacy was 2.4%. Less than five per cent of the population of the state is negro. No doubt the complete facts, if they could be obtained for the various states would reveal a much larger amount of illegitimacy than is indicated above. Cases of unknown legitimacy are excluded although special

investigations of such cases have shown that a large proportion are illegitimate.

The facts collected by the federal Children's Bureau indicate many deviations from the figures in the table, some of them being of considerable importance. In most cases the rates exceed those given in the census report. Statistics based on original records studied show a percentage of illegitimacy in Massachusetts of 2.3 instead of less than one-half of this figure as reported in the table prepared by the Bureau of the Census. There can be no doubt that intensive investigation will reveal a much larger amount of illegitimacy than the tables indicate.

Some interesting facts relating to the number of illegitimate births in various cities are shown in the following table and deserve comparison with those for the states mentioned above. In several instances still births are not excluded but the difference in percentage caused by their inclusion is very slight.[3]

[3]Except as otherwise indicated these figures are based on information obtained from state and local health reports and through correspondence.

ILLEGITIMATE BIRTHS IN CITIES

CITY	DATE	Percentage of total births reported illegitimate
Johnstown, Pa.	1912	2.2
Boston	1915	4.0
Buffalo	1917	2.5
Chicago	1915	5.0 (estimate)
Cincinnati*	1915	3.8
Cleveland	1915	2.26
Detroit	1914	3.9
Denver*	1917	3.6
Kansas City	1918	8.2
Milwaukee (Co.)	1915	2.3
Milwaukee (City)*	1917	2.6
Minneapolis*	1917	4.0
New York*	1917	1.0
Philadelphia	1915	
White		2.9
Colored		17.7
Pittsburgh	1915	3.1
St. Paul*	1917	5.0
St. Louis	1913	
White		4.2
Colored		16.9
St. Louis	1920	4.8
Washington*	1917	
White		2.3
Colored		18.8

In the cities also the percentage of illegitimacy is much greater than that indicated by published figures. In most instances when the legitimacy is officially unknown, as in the case of foundlings, the child actually is illegitimate. Again, every effort is made to conceal the unwelcome facts and to report the child as legitimate if possible. In the third place, the births of many babies are not reported at all.

The excess of illegitimate births in the cities over the rates

*Figures taken from Report of Federal Children's Bureau—"Illegitimacy as a Child Welfare Problem." p. 25.

for the states as a whole is partly due to the tendency of women to migrate from the rural districts and small towns to the cities to conceal, if possible, from neighbors and friends, the fact of their condition.

The wide difference in the rates among white and colored is indisputable. No refinement of the statistics can bridge the gap between the two. Investigation has disclosed the fact that few colored women migrate to or from the cities for confinement. The reputed rates, therefore, reflect quite accurately the ascertained illegitimacy in a city or state. Accordingly, the figures showing that more than eighteen per cent of the colored births in Washington and sixteen per cent of those in St. Louis are illegitimate represent no over-statement of the prevailing immorality. So large a proportion seems almost unbelievable, but it must not be forgotten that less than sixty years ago the family life of the negro was in the crudest state and marriage was almost without official sanction. Centuries have been required to ennoble family life among the Europeans. We must, therefore, consider that half a century of freedom for the negro can only serve as an introduction for him. Nevertheless, illegitimacy in certain parts of Europe is as frequent as the rates given for the negro in the three cities for which figures are quoted. While the low morality prevailing among the negroes cannot be overlooked, it can, in part at least, be explained and a frank historical view of the evolution of the negro will not result in too violent a denunciation of his morals. In fact, the white race has assisted in schooling the negro in the very practices which lead to illegitimacy.

Our American statistics convey a little information in regard to the comparative illegitimacy among the native and foreign born white. According to the foregoing table the rate per 1000 births is three times as high among native mothers than among the foreign born. Furthermore, these rates are much lower than those prevailing in Europe. Although Italy has a much higher rate than Ireland the Irish immigrants yield many times the proportion indicated for the Italian immigrant.

Direct evidence in favor of the foreign born is afforded also by the investigations of the Federal Children's Bureau. In Johnstown, Pennsylvania, it was discovered that in 1911 among 860 native mothers the rate of illegitimacy was 3.7 per cent, while among 691 foreign mothers it was only .3 per cent, which represents two illegitimate births.[4]

The figures for Philadelphia are less favorable. In 1915 out of 811 white unmarried mothers, 220, or more than one-fourth, were foreign born. This is a larger percentage than the proportion which foreign born single women fifteen years of age or over form of the entire group of single women. This fact, however, does not alone determine the absolute validity of the comparison. If the proper corrections could be made the results might vary somewhat although it is not likely that the rates would differ widely. But several nationalities are rather heavily represented chief among which are natives of Ireland, Russia, Austria and Hungary. These include three-fourths of the total number of foreign born unmarried mothers.

While some of the figures indicate that the rates among the foreign born are lower than among the natives the evidence in conflicting. General conditions cannot be kown without additional information. The fact that illegitimacy is much more common in Europe than in the United States seems rather inconsistent with the few figures given above. If the illegitimacy among immigrants is so much less than among inhabitants of the countries from which they come then it is clear that all-pervading social causes lie at the base of this condition; for it is unthinkable that only the highest moral types emigrate to the United States. Although the facts for our immigrant population are not sufficiently known to justify generalizations as to the tremendous differences between the rates in Europe and the rates here, nevertheless they furnish strong presumption that

[4]Children's Bureau—Infant Mortality, Bureau Publication No. 9, p. 49.

neither mental nor physiological conditions are largely responsible.

Heredity and innate tendencies cannot be charged with the blame but social conditions must be responsible for the differences. If the same people have a high rate of illegitimacy abroad and a very low rate in the United States, the fact indicates that wholesome influences are at work here to prevent immorality and that foreign countries have failed utterly to solve the problem.

The scattered statistics of illegitimacy in the United States do not furnish sufficient information to enable the writer to estimate its volume. At best it is only possible to point out that the observed rates among the colored people are very high and that these occur in the cities in which the negro population is to some extent an immigrant population. It would not be surprising to find a much higher rate in certain cities of the South, and in those sections where the customs prevalent in slavery days have not died out. Among the 250,000 to 300,000 births among negroes every year a rate of 12 to 20 per cent of illegitimacy would account for from approximately 35,000 to 55,000 illegitimate births annually.

The statistics for the white population are not representative of the country as a whole. In certain backward sections to which modern vital statistics have not penetrated there is undoubtedly a much higher rate than that prevailing in the states whose records are given. The differences noted among the various states and the differences between city and country districts and between differently situated cities make an estimate of the annual number of white illegitimate births very difficult. The large numbers, however, that constantly occur in the big cities challenge the reformer and compel attention. That there are thousands every year is clearly apparent. The tendency to conceal the fact of illegitimacy, no doubt, results in an incorrect report in hundreds of cases and, therefore, the actual number of illegitimate births is much larger than the recorded rate. At no time have the American figures given a complete statement of

the facts and while statistics seems to show little change in the proportion of illegitimacy the apparent increase over the earlier figures may be due largely to greater accuracy in the compilation of the statistics. Nevertheless, there are indications that the burden of illegitimacy is actually increasing.

The Children's Bureau has attempted to estimate the number of cases and according to one computation places the illegitimate white births as approximately 32,400 annually, but this figure implies an illegitimate birth rate of not more than one and one-half per cent, while many believe that the rate is considerably higher.[5] In fact private investigations made in various cities have almost invariably disclosed a higher rate of illegitimacy than that indicated from the public statistics. However, by another method the Bureau reaches a total of 35,100 illegitimate births.[6]

[5]Children's Bureau. "Illegitimacy as a Child Welfare Problem." p. 26.

[6]In order to contrast the situation in the United States with that existing in European countries the following table is presented:

RATE OF ILLEGITIMACY IN EUROPE

COUNTRY	Rates per 100 births*				Rates per 1000 unmarried women 15-45***		
	1870	1889	1910	1910-14**	1880	1890-92	1900-02
Austria	13.1	14.7	13.7	11.9	43.4	42.7	40.1
Sweden	10.4	10.1	10.8	15.1	.....	.....	.....
Germany	10.1	9.1 (90)	9.1	9.4	29.6	28.7	27.4
Norway	8.5	7.4	7.3	6.9	19.7	16.9	17.2
Italy	6.4	7.3	5.1	4.8	25.4	.....	19.4
Switzerland	.....	4.7	4.3	4.7	10.8	10.0	9.8
France	7.5	8.4	10.2	8.7	17.6	17.7	19.1
Australia	.....	.....	.....	.....	14.5	15.9	13.2
Netherlands	.....	.....	.....	2.1	9.7	9.0	6.9
England & Wales	5.6	4.6	4.8	4.2	14.1	10.5	8.5
Ireland	2.7	2.8	2.6	2.8	4.4	3.9	3.8
Servia	.....	.....	1.3 (06-10)	.....	.....	.....	.....

*Figures for 1870 and 1889 from Leffingwell's "Illegitimacy"; for 1910 from Borosini, in Journal of the American Institute of Criminal Law and Criminology, July, 1913.

**Figures from Illegitimacy as a Child Welfare Problem—by Federal Children's Bureau.

***Figures relating to births per 1000 unmarried women from Seventy-third Annual Report of Registrar-General of Births, Deaths and Marriages in England and Wales.

These rates indicate an appalling amount of illegitimacy. In Europe before the war there were probably about 600,000 illegitimate births annually. Germany led with about 180,000. Austria-Hungary followed with 120,000. Then came France with 75,000 or more, while Great Britain with less than one-half of the population of the United States has at least 50,000 annually, probably more than the illegitimate births among the white population in this country. European countries as a whole with but few exceptions exhibit rates several times as high as those prevailing here.

An apparent increase in illegitimacy may also be due in part to the declining birth rates. The rate of illegitimacy which we have used is rather a relative figure, therefore, in spite of a larger percentage of illegitimate births than formerly, the number of such births per 1000 unmarried women of child bearing age may not have increased much and perhaps has shown but little change. Adequate statistics to verify these questions are lacking, however. Nevertheless, the problem is a menacing one and the greater promptness in developing a complete program of care and prevention, the better it will be for our young women and for the morals of our people.

Common Law Marriage

The subject is further complicated by the acceptance of the common law marriage system. In about three-fourths of the states a man and a woman may live together, call themselves husband and wife, bring children into the world and undergo all the vicissitudes of family life. If they make this arrangement a permanent union they are not particularly subject to reproach, but it is precisely this condition of permanency which a large proportion of the men involved, and some of the women as well, wish to avoid. Many men deceive women by perfecting a temporary relationship which the latter consider a sincere union, but which the men regard simply as an opportunity for promiscuous living. They are willing fathers only when the child is conceived and not when responsibility for its care is imminent. Accordingly, many so-called common law marriages are a mere subterfuge for a life of irregularity and unsanctioned sex relations. When the baby comes the family frequently has trouble and when the birth certificate is prepared by the physician or midwife, the mother admits the irregularity of her marital relations and the child is recorded as illegitimate. Furthermore, the child is neglected and suffers the conditions of life frequently imposed on the illegitimate. The children of a common law marriage,

therefore, comprise a serious problem, but one whose magnitude cannot be statistically ascertained.

It would be most helpful to society if the births resulting from common law marriages could be recorded in some uniform manner instead of being distributed between legitimate and illegitimate births as they now are. Reformers could then view the problem in clearer perspective and it would hasten the day when this great source of immorality would be removed.

Previous Sex Irregularity

To what extent unlawful motherhood is the culmination of a sudden fall from virtue, or how far it represents the results of long continued vice are questions to which no accurate answers can be given. That many of these young women are diseased is, however, indicated by the fact that the mortality of illegitimate infants is so largely accentuated by the presence of social disease. The few statistics available for mothers show much disease among them. Maternity hospitals find that a considerable number of the girls are suffering either from gonorrhea or syphilis. Seldom are these diseases innocently acquired and in most cases they follow frequent sex experience. Out of eighty-four women studied in Boston, sixty-three had been previously immoral, and of these, about 20 per cent had previously given birth to illegitimate children. In St. Louis in 1911-12, out of 806 unmarried mothers under twenty-one years of age, forty-five had previously given birth to a child. However, twenty-six of the number were negroes among whom maturity arrives somewhat earlier than among the whites. Nevertheless, one white woman, an "actress," was three times a mother before she reached the age of twenty-one. The percentage of unmarried mothers of all ages who had previously borne a child was approximately fifteen. Among these were older women, some of whom were widowed, divorced or deserted. Several instances

were recorded of entire families of illegitimate children, every baby having a different father.

The published figures relating to unmarried mothers handled by the state infirmary of Massachusetts in 1917 give the following facts:

Seventy-four prospective mothers were accepted for confinement; in fifty-four cases it was the first child; in fifteen the second, in several it represented the third or fourth confinement and in two cases the fifth. The figures, however, are not typical for unmarried mothers as a whole, since the infirmary cases are largely limited to persons of low standards, chronic poverty and persistent immorality. This is further illustrated by the fact that out of sixty-four married women accepted by the infirmary for care fifteen were pregnant for illegitimate children.[7]

The proportion of women who have previously had children does not represent the percentage of previous sex irregularity. The Boston cases for which information was secured indicate that four-fifths of the women had practiced immorality. In Philadelphia out of 290 women information was obtained for 131. Of this number only sixty were classed as "otherwise moral," while seventy-one had a record of previous immorality.[8]

Migration of Mothers

A factor of considerable importance in the reorganization of our methods of treating illegitimacy is the migration of mothers from country to city and between cities. So serious a condition is this in the United States that our computed rates of illegitimacy are rendered quite inaccurate.

[7]Thirty-Ninth Annual Report of the State Board of Charity of Mass. 1917.

[8]Report of the Municipal Court of Philadelphia. 1915.

The following statistics are an indication of the facts:

RESIDENCE OF MOTHERS[9]

	Number cases	Per cent residing in City	Per cent residing in State but Outside City	Per cent residing in Other states
St. Louis	1971	62.6	15.9	21.5
Boston	809	58.3	35.1	6.6
Milwaukee	1660	70.1	29.9	.....*

*Included under "State but outside city."

It appears that the cities vary widely as to the probable residence of mothers. St. Louis receives nearly two-fifths of the total number from localities outside the city. Furthermore, one-fifth come from other states. A large number of cases are also sent from districts within the state; and if these are added to the local cases we find that nearly four-fifths of the entire number belong to the state and depend for their disposition on its laws. The figures for Boston indicate that a larger proportion than in St. Louis come from outside the city, but comparatively few are sent from neighboring states. The tendency toward migration to Milwaukee is less pronounced than in the case of the other two cities, but all of them receive a large number of unfortunate girls from the outside. In a similar way many girls, especially from the so-called better class, leave the cities of their residence to hide their shame from friends and relatives and are confined in hospitals or homes elsewhere. In the rural districts and small towns the pressure is probably more severe and if marriage does not follow the discovery of prospective parenthood, many girls are driven from their homes by irate and unsympathetic

[9]Statistics taken from "Illegitimate Births in St. Louis," by Mangold and Essex; Report of the Wisconsin Vice Committee; and Studies of Boston Conference on Illegitimacy.

parents only to find their way into the large cities where the maternity homes or hospitals minister to their needs. In many cities pregnant unmarried women apparently without a home often wander about for a considerable time before confinement. Many of these are non-residents, forced to leave their homes and pushed in the cities where they swell the aggregate of illegitimate births occurring there. Such young women often go long distances; for example, girls from Texas and Virginia have come all the way to St. Louis to be confined.

There is little migration among colored girls, partly because the shame attached to illegitimacy is not so great as to ruin the life of the offending individual; and among the foreign born there are few opportunities to hide disgrace owing to difficulties in finding places to which girls may be sent.

Places of Confinement

The great majority of illegitimate babies are born in hospitals or maternity homes. Perhaps this fact will simplify the control and treatment of mothers when adequate machinery for this purpose has been instituted. A study of fifteen hospitals and homes in Chicago shows that about 1350 illegitimate births occurred in these institutions in a single year.[10] In addition there are other hospitals that handle cases of illegitimacy. The sum total reaches a figure considerably above 2000 and this represents by far the larger proportion of illegitimate births in the city.

Out of 666 cases in Cincinnati only 15.6 per cent of the births occurred outside of hospitals or institutions. In Boston eighty per cent of the 858 illegitimate births in 1913 occurred in the hospitals and the remainder in tenements and lodging houses. In Milwaukee in 1913, fifty-nine per cent of the confinements of unmarried mothers occurred in hospitals. Some-

[10]Moore, Howard, "The Care of Illegitimate Children in Chicago."

what more definite than these figures are those collected for the city of St. Louis, covering the three years 1911-13.[11] They are presented in the following table:

PLACE OF CONFINEMENT

	Number	Per cent
Hospital	1244	59.8
Commercial Maternity House	210	10.0
Private House	583	28.0
Not tabulated	9	.45
Foundlings	36	1.75
TOTAL	2082	100.00

An analysis of these statistics shows that nearly 70 per cent of the total number of women were confined in institutions of some sort. The benevolent institutions include the City Hospital, Salvation Army Rescue Home, and several foundling homes. Driven from home, the unfortunate girl is often compelled to enter an institution at an earlier stage of pregnancy than the married woman and, therefore, the cost of maintenance at the hospital is greater. Frequently, this cost is partly defrayed in service, since otherwise opportunities would not open for the institutional care of the unmarried mothers.

Although the figures credit commercial maternity homes with only 10 per cent of the confinements it is probable that the proportion is much larger. That many births are not reported, or reported as legitimate, and that abortions are frequently performed, is certain. The statistics of unmarried pregnant women would tell a very different story from the figures relating to illegitimacy. A large proportion of the

[11]Mangold and Essex, "Illegitimate Births in St. Louis." p. 19.

patrons of maternity homes are girls from outside the city or well-to-do women from within.

Probably most foundlings are born in some private house, although a few are abandoned babies taken from commercial institutions. If so, nearly 30 per cent of the illegitimate births occurred at some private house or home. In these cases the mothers are residents of St. Louis and usually have relatives or friends to minister to their needs. Many of these are older women who have become fixed in a life of immorality and have lost the modesty that still becomes the younger woman.

CHAPTER II

CAUSES AND CONDITIONS UNDERLYING ILLEGITIMACY

Illegitimacy is a product of extra-conjugal sex relations and its causes are identical with the causes of such relations. If in the British West Indies and parts of South America and probably other localities more than one-half of all births are illegitimate, we must assume that family life in these localities is largely absent, and that promiscuous sex relations are normal conditions. Here the causes of illegitimacy lie in the primitive nature of the civilization, the low standards of the people and their unbridled sex impulses. These conditions, however, are not at all typical of European races or their descendants and, therefore, throw no light on the nature of the problem that faces us today.

Special Causes Affecting Europe

In Europe, too, we have conditions that cannot be compared with ours. In most countries the rate of illegitimacy is at least twice that of American cities and in several it is five or six times as high.[12] At once it is clear that such a cause as low mentality must be relatively a minor factor and that other dominant and overshadowing causes must exist. Many years ago Dr. Leffingwell enumerated the principal factors influencing the rates of illegitimacy as follows:

1. Religion
2. Legislation and legal impediments to marriage
3. Heredity, or the influence of race and ancestry.

He said further—"Differences in the annual prevalence of illegitimacy in different localities or sections of the same country are so marked and so persistent, that only by the hy-

[12]Illegitimacy, p. 86.

pothesis of hereditary influence can we at present account for them."

In the light of recent studies the argument concerning heredity must be almost entirely remodeled and restated. It has become comparatively clear that it is only as hereditary conditions take the form of feeble-mindedness that they assume any considerable influence; and then it is the weak will, not hereditary immorality, that produces the results. The meager American statistics relating to illegitimacy among the foreign born indicate that here the prevalent rate is lower than among the native whites; and while the argument from these facts is not conclusive it does indicate that probably the hereditary factor, apart from weak mentality, is a negligible quantity.

It is true, on the other hand, that different sections of various European countries have persistently maintained dissimilar rates of illegitimacy. North and South England are not alike; the various German states have each their typical rates and in other countries similar variations occur. To account for these differences on the basis of heredity is to maintain that serious innate differences in sex impulse exist among these closely allied branches and subdivisions of the white race. That inordinate sexual desire may and does run in families can hardly be doubted, but it must be questioned whether such families are proportionately much more numerous in one part of England or of Germany than in another. Feeble-mindedness may, indeed, be far from uniform in the different countries but governmental and social agencies are probably chiefly responsible for such differences; and variations in illegitimacy based on variations in the proportion of feeble-mindedness should logically be charged against this defect.

In Europe the customs and ideals of the people vary so much from each other and the provincialism of different sections of a nation is so marked that these factors must act powerfully on the rate of illegitimacy. It is not so long since that sex irregularity between intimate members of the op-

posite sex was very common in France. Even "good" literature did not condemn it. Sex relations between betrothed individuals were in some localities, especially in Germany, almost universal. Wherever experimentation in the fecundity of a certain combination is viewed with complacency, if not approval; wherever pre-nuptial relations following the betrothal of a couple are differentiated from ordinary sex irregularity, and the betrothal is nearly as sacred as the marriage tie, there a high rate of illegitimacy will occur. Where men must remain unmarried while they are engaged in military service and that service continues for a considerable period, such as three years or more, betrothals may be expected, likewise illegitimate children. These, however, are likely to be legitimated later on, but in some cases, as in England, marriage subsequent to the birth of the baby cannot make the child legitimate and it will always be classified as a bastard.[13]

[13]The extent to which pre-nuptial relations exist is not definitely known. However, a few facts relating to them have been obtained. An examination by J. W. Nixon of the Australian vital statistics shows that in the three years 1910-12, twenty thousand six hundred and ninety-one illegitimate births occurred and eighteen thousand three hundred and eighty-five births during the first six months of marriage. Were the latter group to be classed as illegitimate then the rate based on the number of unmarried women fifteen to forty-five years of age plus one-half of the women married during the year would rise from 11.6 to 21.13 per 1000, or nearly twice the actual rate.* The number of births among the unmarried women is only slightly larger than the number after marriage but conceived before. In Australia children born within wedlock are regarded as legitimate, hence the former figure denotes the rate of illegitimacy. Among many Teutonic peoples ante-nuptial sex relations are deliberate attempts to determine the probable fertility of a proposed union and marriage naturally follows. Pregnancy does not create prejudice but insures marriage. In fact, the pre-nuptial condition is in a sense a trial marriage. Bailey quotes statistics showing that in Berlin, ten per cent of all legitimate children and forty per cent of all first born were conceived before marriage; that in twenty-nine per cent of the marriages fertility was assured before the marriages occurred and that about

The great difference between comparatively adjacent communities in economic and social conditions is certainly an important factor. The presence of an abnormally large group of unmarried women has been shown to coincide with a high rate of illegitimacy unless neutralized by other factors. A low age of marriage tends to prevent illegitimacy. The extraordinary conditions in Ireland are partly due to this fact. Delay in marriage stimulates extra-conjugal sex relations, and where a considerable group seem destined to celibacy either because of a disproportion between the sexes or because of unfavorable economic conditions or legal obstacles, much illegitimacy is to be expected.

Again, laws requiring civil marriage and legislation imposing restriction on marriage are sure to produce similar effects. Townley-Fullam shows, for example, that an illegitimacy rate of over 52 per cent among Poles (mostly Polish Jews) in Buda-Pesth really means that the civil law has not been followed, but the Mosaic code has.[14] Accordingly, the children are classed as illegitimate; yet before 1895 the Jewish marriage rites were recognized and such births were regarded as legitimate.

Undue restrictions whether by law or by public opinion cause sex impulse to break through the bounds recognized by the conventions of society. "Before you marry have a house wherein to tarry," seems to be excellent advice, and if followed should promote higher standards of living, but in any locality or among any group or class where this goal is attained only with great difficulty, immorality will surely develop ex-

twenty-five per cent of all births in Berlin are conceived outside of matrimony.**

*Journal of the Royal Statistical Society, Vol. 77, p. 853. July, 1914.
**Modern Social Conditions. p. 122.

[14]Forum, Vol. 50, pp. 619-630.

ceptional proportions, or substitutes for civil marriage will be introduced.

The so-called common law marriage which consisted in merely living together and recognizing each other as husband and wife was formerly tolerated by the Catholic Church and was likewise accepted by the early Protestants. In England this institution seems to have projected itself from the Middle Ages into modern times and was not legally abolished until the year 1753. On the continent such voluntary unauthorized unions are not generally recognized and the issue of such unions is regarded as illegitimate. Nevertheless, thousands of families are founded on just so insecure a basis as this. Husband and wife expect to live together permanently and actually do after several children have been born into the home if no previous dissensions have occurred. If separation takes place it is usually after a comparatively brief "married" life.

Apart from the factors discussed there are undoubtedly a group of causes that have given us a minimum or marginal rate of illegitimacy and operate everywhere, but the wide variations among localities are largely due to peculiar differences in the social conditions of the people. The characteristic differences that occur among the various countries or communities of Europe are due largely to the following causes:

Toleration of pre-marital sex relations.

Marriage laws that result in common-law marriages.

Marriage customs of various races and peoples.

Increase in age of marriage and decline in proportion of married.

Excess of marriageable females.

Here in the United States, where the rates of illegitimacy are much lower than in most of Europe, and in the British Isles, the causes are not confused to any extent by peculiar customs that partly condone illegitimacy. Here, it is the product of improper or immoral sex relations, and the principal

question requiring an answer is, why do individuals, especially women, yield to or solicit such forms of immorality?

Low Mentality

It is the belief of the writer that ignorance and low ideals are the chief causes of illegitimacy. Ignorance is represented in various ways. In the first place it is the weakness of the feeble-minded girl. The various English investigations, the minority report of the Poor Law Commission, the American studies by Goddard and Jean Weidensall, the investigations by the Children's Bureau of mental defectives in the District of Columbia, and the experience of maternity hospitals and child caring agencies all attest to this important fact. A large number of illegitimate children have feeble-minded mothers. Mental defectiveness is probably the most important single cause, and the reasons are not far to seek. In every community there are a number of women whose physiological age has far outstripped their mental age. From 18 to 25 they are in their physical prime and are exceedingly attractive to the opposite sex. Mentally, however, they are still children and always will be. Their sex impulses are governed by the age of physical maturity. Their powers of inhibition and their moral comprehension depend on such control as can be exercised by a mind of eight or ten; by a child mind incapable of realizing the necessity of our accepted moral and social standards. Weak mind and weak will clothed in mature and attractive bodies, therefore succumb to the tempter or deceiver and before long the young woman may herself ensnare her male acquaintances. Sex impulse, when the control thereof has once been lost in a person (man or woman) of weak will, is almost unconquerable. It leads the young girl into the juvenile court and sends her to the reformatory. It drives the older girl into prostitution or imposes on her the burden of unlawful motherhood. It also makes seduction and betrayal easier, because the woman cannot summon the mental

power to protect herself. It is not the imbecile woman but the moron who is to be feared. The former is likely to be sent to an institution, the latter not only remains at large, but is probably able to maintain herself as long as times are prosperous and adversity does not test her mind and morals. When she breaks down her fate is wrongly interpreted.

That feeble-mindedness is a large factor in the problem of illegitimacy can not be doubted. It does not necessarily follow that a girl has really become immoral when she has been found guilty of sex irregularity. Only too often she fails to understand fully or even to a considerable degree, the seriousness of her offense. Then again the girl brought up with low standards of morals, if she is also a moron or a high grade imbecile, will easily fall because of lack of will power and native resolution rather than because she is wilfully immoral.

In this day when there is a decided tendency among representatives of the so-called eugenists to declare a large proportion of the population feeble-minded it is necessary to be cautious in connecting illegitimacy with feeble-mindedness. The development of a system of mental tests has resulted in classifying as feeble-minded all of those unable to meet these tests. Accordingly, an enormous proportion of the delinquent girls, prostitutes, criminal men, etc., are classified as feeble-minded. At the National Conference of Charities and Corrections in 1915, one field worker seriously announced that her investigations had shown that 98 per cent of the unmarried mothers were feeble-minded.

Until a greater degree of accuracy appears among this class of investigators, and until a more definite line of cleavage between the normal and feeble-minded can be established, the proportion of feeble-minded which they discover in a community has only moderate value. Goddard, in his study of feeble-mindedness, has had occasion to examine the ancestry of a considerable number of illegitimate feeble-minded chil-

dren.[15] He was able to classify 278 feeble-minded persons according to the probable source of their defect. He grouped causal conditions under the heads, "hereditary", "probably hereditary", "neuropathic", "accident", and "no cause", meaning cause unknown, and then prepared a table of expectation which shows how large a proportion of a given number of cases should fall within each separate group. According to his computation, 60 per cent of the causes are unquestionably hereditary and 10 per cent are probably so; while the remainder are distributed as to cause among other groups. He next studied the feeble-minded who were illegitimate and their ancestry and classified the causes of their feeble-mindedness so as to compare the results with his table of expectation. According to this computation, 98 per cent of the total number fell into the hereditary group and 4 per cent into the "probably hereditary" class. If these proportions are correct, almost the entire number seem to have inherited their weak-mindedness. The table of expectation shows that the proportion in the two groups should have been no larger than 70 per cent. Consequently, it appears that they furnished nearly 40 per cent more illegitimate children than should be expected. On the other hand, the "neuropathic" and "accidental cause" groups furnished less than their quota. That hereditary feeble-mindedness is a serious causal factor in respect to the prevalance of illegitimacy certainly seems to be indicated by the foregoing facts.

The relation of low mentality to illegitimacy has been given additional emphasis in the recent study made by the Virginia State Board of Charities and Corrections. One of the degenerate families investigated shows a continuous record of feeble-mindedness. The Board, in describing the living conditions of certain members says:[16]

[15]Goddard, H. H..—"Feeble-Mindedness: its Causes and Consequences, p. 499.

[16]Report on Mental Defectives in Virginia—by State Board of Charities and Corrections, p. 18.

"There were in the room, Mary Jane, a slatternly-looking woman of 45 (an illegitimate daughter of Old Sal), the mother of five illegitimate children, all girls; and two of Mary Jane's daughters, aged 20 and 14 respectively—already they had entered a life of prostitution; the girl of 20 has borne four illegitimate children, the youngest, two weeks old, being the only living one." The report of the Board continues by adding other instances of illegitimacy in the family, the worst case actually involving both incest and infanticide. This family suffers not only from hereditary feeble-mindedness, but as a consequence of weak will and almost inevitable moral obliquity, such a degrading condition of sexual promiscuity prevails that a large proportion of the children are illegitimate, and, of course, feeble-minded as well.

The study of the almshouse population revealed a similar spectacle of immorality in the relation between feeble-mindedness and illegitimacy. "Our almshouses are virtually lying-in hospitals for feeble-minded women," says the report, and the investigation of numerous almshouse inmates demonstrates the reckless immorality that has prevailed among them. The following quotations descriptive of various inmates studied tell the tragic story of hopeless lives:

"She then lacked one month of being fourteen years old, (at the time of her marriage), but in spite of her youth had already given birth to one child and another was born a few weeks after her marriage."

"The only girl, Kate, works out for a while, and then comes back for a stay; already she has given birth to three illegitimate children."

"One of Carrie's aunts appears on the records as 'simple.' Although she never married, she was the mother of fifteen children, returning to the almshouse to give birth to most of them."

Numerous illustrations such as these merely attest to an almost incredible bestiality; nevertheless, there is no reason

to doubt that such conditions are repeated elsewhere. Low mentality means low morality.

The statistics of reformatories for girls offer further evidence of the relation of feeble-mindedness to illegitimacy. As is well known the great majority of all delinquent girls in institutions are, or have been, immoral. Recent tests show that in some institutions practically one-half of the girls are feeble-minded; but these tests must be accepted with such reservations as explained above. That this proportion of girls is seriously ignorant will not be doubted, and this fact goes far to explain the sex irregularity of the girls: and immorality, of course, leads to illegitimacy. Our juvenile courts and children's societies recognize feeble-mindedness as a factor and are urging the better care of the feeble-minded. They have begun to realize that mental defectives frequently commit crimes and that weak-minded girls are being beguiled into illicit sex relations, and eventually made the mothers of illegitimate children. The lowest figures are reported from Philadelphia where a study of 750 cases revealed less than 7 per cent of feeble-mindedness. Carol Aronovici summarizes his investigation of unmarried girls with sex experience in the following language:

"No evidence of any material frequency of feeble-mindedness influencing the moral character of the girls could be detected from the records studied."

The Massachusetts State Board of Charity commenting on mothers handled in the state infirmary says in regard to the commercial feature of immorality; "We incline to the opinion that the girls we meet in the maternity ward are not bright enough to secure for themselves much money returns. They merely follow impulse without calculating for tomorrow." The Board intimates that a large proportion of these women belong to a border-line class, not sufficiently feeble-minded to convince a court of the need of institutional care, but too subnormal to maintain rigid moral standards.

Miss Weidensall has made an extensive study of the low

mentality of unmarried mothers. Among the groups tested were a series of delinquent women at Bedford, N. Y., who came to the institution with illegitimate infants or were pregnant for illegitimate children, and an unselected group of unmarried mothers referred from the Cincinnati General Hospital. These groups were compared with law abiding working women, married mothers from the same hospital and young girls to note whether characteristic differences in mentality actually existed. Two systems of tests were employed in order to safeguard the accuracy of the results. The principal conclusions arrived at were as follows: not more than 20 per cent of the unmarried mothers were clearly normal mentally; from 40 to 45 per cent were so subnormal that institutional care alone can protect them from the dangers of the world; in less than six per cent of the obstetrical cases studied were the women earning more than $5.00 per week.

The married mothers yielded very different results, likewise the law-abiding working women and working girls. Among these groups the rate of feeble-mindedness was less than one-half that of the unmarried mothers, the highest percentage being found among the married mothers, a large proportion of whom were dependent on charity for other than medical relief.[17]

English investigations seem to corroborate these conclusions.[18] It has been shown that out of 14,521 inmates of Magdalen homes, 2,531 or 16 per cent were feeble-minded. Of these, 8 per cent had each had more than one child. Tredgold quotes Dr. Potts as saying that out of 100 consecutive cases admitted to the Magdalen home at Birmingham, England, 26 were feeble-minded, 7 were morally insane, and 3 others were suffering from various abnormalities. Tredgold claims that about 40 per cent of the illegitimacy of his country occurs among the feeble-minded. Conditions in England, how-

[17]National Conference of Social Work. 1917. pp. 287-294.

[18]Tredgold, A. F. "Mental Deficiency". p. 451.

ever, differ much from those obtaining in the United States and the percentages cannot be transferred bodily and applied here. Nevertheless, the figures show that there as here illegitimacy is more prevalent among the feeble-minded than among the normal population.

It should be noted that each of these studies has dealt with the dependent or delinquent groups of unmarried mothers and is not quite typical of this class as a whole. Feeble-mindedness is so important a cause of poverty and crime that a high rate of subnormality would naturally occur among those unmarried mothers who have come in touch with institutions or charitable agencies. Nevertheless, it is these groups particularly that accentuate our social problems, and there can be no doubt that an exceptionally large number are distinctly feeble-minded.

Lack of Home Training

It is plain, however, that ignorance is not due solely to mental incapacity. It often results from defective training, due to broken homes, premature child labor, ignorance or viciousness of parents, and such other conditions as will prevent young girls and women from understanding themselves and their proper relations to the opposite sex. A large number of normal girls under the burden of such an environment quite naturally become the victims of the wiles of deceitful men. A study in Baltimore of 194 unmarried mothers disclosed the interesting fact that 23 per cent lost their mothers in early childhood and were compelled to shift for themselves; one-third went to work before they were 12 years old; one-sixth grew up in homes that were immoral and nearly one-fourth were earning less than a subsistence wage at the time of their seduction. One worker with unmarried mothers writes; "A man with vast experience in seventy-four different rescue homes for girls, a man who speaks with careful

consideration, estimates that fully 50 per cent of the girls with whom he has to deal in these homes have gone wrong through ignorance." A considerable proportion of these, of course, are ignorant because of mental defectiveness.

Ignorance of the dangers of immorality must not be confused with lack of formal school education. Even though the rate of illegitimacy was higher among a literate than an illiterate group, we must not conclude that ignorance is not a factor. Usually among the illiterate the age of marriage is low and girls have hardly realized sex impulse when they enter the marriage relation. Where there is popular education this is not usually the case, but popular education does not imply a knowledge of sex hygiene nor protection against deception or ignorant connivance in sex irregularity. In the case of many young girls who have submitted to sex relations (the figures show that a considerable proportion are under eighteen) there is genuine ignorance, often so gross that the natural consequence of immorality is not even known. The Chicago statistics showing that 44 out of 163 girls did not know the consequences of their act indicate an appalling amount of ignorance. The proportion in the entire community would undoubtedly be much smaller, since these cases were all included among the women bringing bastardy charges. These women, no doubt, have the best grounds for a successful court case, while others guilty of previous irregularity are less inclined to risk court action. Nevertheless, the figures show that the danger of ignorance is a real one to be met and overcome. In the great majority of cases, the ignorance is less acute, but often the knowledge is not sufficient to deter girls from indulgence in what seems to them a slight immorality. Eventually they awaken, but too late, to the full realization of their misdeeds.

The English Poor Law Commission divides the mothers into three classes; the feeble-minded, the group more sinned against than sinning, and the consciously immoral. It is this second group which includes the normal woman who has

been tempted and who partly through ignorance and partly through the alluring temptation of the moment, stoops to illicit sex relations.

Low ideals are most common among these unfortunate girls and the chief causes are defective home life, unwholesome amusement, overcrowding, lack of religious and moral training and evil companionship. In order to gain adequate knowledge of both the individual and social causes of unlawful motherhood a careful and painstaking case investigation of typical groups of mothers in various localities should be made. Such a study should consider the hereditary influences, mentality, home life, education and training, companionship, occupation, recreation and any other factor pertinent to the problem. Perhaps in this way only can the part taken by low ideals be given due weight.

There can be no doubt that the girl without a mother is most hapless in her training for life and is often in danger of a wrong moral development. And if she has a mother but no father, economic conditions are usually unfavorable, with the result that oversight and training are quite impossible. Accordingly, broken homes such as these, especially those in which the mother is a widow and must enter some remunerative occupation, contribute to child delinquency. Statistics by the federal government based on a study of a limited number of juvenile delinquents showed that in the case of girls, 34.2 per cent,—a little more than one-third,—came from normal homes. Although these figures are based on the entire group of offenses committed, nearly one-half were guilty of immorality. In other words, the broken home contributes largely to the moral decadence of the children and actively promotes delinquency. What is true of girls of juvenile court age undoubtedly holds for many girls under 21. They form bad habits and associations, which naturally lead to immorality and illegitimacy. The study of unmarried mothers in Chicago indicates that 61 per cent of the total number were suffering from a

broken or unnatural home life.[19] The majority, indeed, had both parents living, but in the case of a considerable number of immigrant girls, the parents were still in Europe and the girls lived under abnormal conditions.

In Philadelphia, in 1915, out of 129 women appearing in court in fornication and bastardy cases, about whom home conditions were known, only 31 came from fair or good homes. The rest or three-fourths of the total number came from homes characterized by cruelty, neglect of children, poverty, drunkenness, immorality and other low standards.

The broken home results in lack of oversight and guardianship. The girls run wild and soon reap the consequences. Step-parents also frequently repel their step-children so that the latter form new and doubtful associations. A large percentage of the children of unmarried mothers go wrong, an important cause of this result being the handicap of an incomplete home, to which such children are condemned.

Unwholesome home life impresses its consequences on the girlhood of today with extremely sad results. Parents have low ideals; fathers corrupt their daughters, and mothers train them in immorality. The federal government reports that 129 out of 190, or nearly 67.89 per cent, of the girls studied who were charged with immorality, suffered from "unfavorable home conditions." This term included "dirty, unsanitary, or over-crowded conditions, as well as all the influences due to the character and habits of the parents or other members of the household."[20] The conclusion is also reached that among girls the neighborhood counts for less than with boys, but that the home assumes the predominant place. In regard to 21 mentally normal unmarried mothers the Boston Conference on Illegitimacy reported that nine had good family influences, although the comment relative to one

[19]Juvenile Protective Association of Chicago—"A Study of Bastardy Cases."

[20]Woman and Child Wage Earners in the United States—Vol. VIII, pp. 132-134.

was, "family does not seem to condemn the lapse of virtue severely," and to another, "one mother said to be immoral." Ten of the mothers had suffered from poor family influences, including immorality, illegitimacy, intemperance, gambling and prostitution. Two of the girls had come to the United States without their parents and accordingly were under independent influences. In an investigation of the conditions underlying child neglect in St. Louis it was ascertained that out of 728 children having living mothers, 246 or 33.7 per cent suffered from the delinquency of their mothers. The chief forms of misconduct were prostitution, adultry, immorality and drunkenness, many of the mothers being each guilty of two or more of these serious offenses.[21]

When one stops to consider the proportion of mothers of neglected children who are carrying on such forms of wickedness and exposing their children, especially their daughters, to moral contamination of this sort, it is no mystery why many girls go wrong. When mothers set the example, daughters may be expected to follow. Added to this most demoralizing condition is the existence of the common law marriage which in the United States gives both parents a considerable amount of freedom and results in frequent short time marriages and promiscuous relations that bode no good to the children, especially the daughters in a family. The sanctity of marriage is not taught and girls come to consider the sex relation as an innocent pleasure.

Overcrowding

Overcrowding generally results in the breakdown of privacy, and although immoral conduct between members of a family may not occur, low ideals are established and these frequently culminate in illegitimacy. However, the English

[21]Persons, C. E.—"Neglected Children in St. Louis"—An unpublished report of a study made in the Missouri School of Social Economy.

figures tend to throw doubt on these conclusions. Nixon has compared the illegitimacy rate with the percentage of population overcrowded and found that the relation between the two was so indefinite that he felt the burden of proof rested on those who contended that overcrowding leads to illegitimacy. In one group of towns he discovered that a high percentage of overcrowding was associated with a low rate of illegitimacy; in another group the overcrowding was low but the illegitimacy high. Nevertheless, other factors must have entered to produce these results. Certain it is that bad housing and overcrowding are closely associated with juvenile delinquency, and low ideals once formed are likely to mature shortly and result in many dangerous forms of immorality, of which prostitution and illegitimacy are the chief varieties.

American statistics, while they indicate some relation between congestion and immorality and juvenile delinquency, have proven little in regard to illegitimacy. In fact, the analysis of the group of unmarried mothers studied in Chicago showed that the average number of rooms per apartment was 4.41 and number of occupants 5.6, thus representing fairly good conditions. That the type of housing facilities provided is a factor appears from the Scotch statistics, according to which the level of moral conditions varies inversely as the relative comforts and conveniences offered the servant classes. An environment which consists of lack of privacy must undermine morals and ideals and lead to immorality. The relationship of cause and effect is, however, obscured by other factors.

Among the poor in our large cities the two and three room apartments are the most frequent. The former cannot separate the sexes so as to avoid danger to morals; the latter can do so only with the greatest difficulty. The average family among the poor is larger than for the community as a whole and, therefore, presents a more serious problem. Overcrowding is, of course, usually a result, not a cause. It is forced on a family by poverty. That the possession of prop-

erty and of a fair competence tends to maintain low rates of illegitimacy is indicated by the favorable showing among the land-holding peasants of various parts of Europe.

Nevertheless, the well-to-do sections of Ireland have higher rates than the poorer ones. On the other hand, such prosperity as that indicated by the presence of a large class of small land-holders seems to favor morality. Dalmatia, with many small peasant holdings has extraordinary low rates—3.8 per cent. Certain parts of Bavaria blessed in a similar way, yield similar results. Where there are few land-holders and the employed or tenant groups are conspicuous, there we find less prudence and foresight and often lower moral standards. In these respects urban districts present a decided contrast with rural communities. No doubt an excess of rural rates, as in England, is somewhat affected by the unfavorable distribution of land ownership.

Unwholesome Recreation

Recreation is a factor of no mean importance. The servant girl, either compelled to entertain her friends in the kitchen or a stuffy attic, or required to find recreation wherever opportunity may afford, suffers most severely from the handicaps of a questionable environment. Without a surplus of morality, the young woman addicted to the commercial recreations of the day soon loses that gloss of virtue which has been her pride. Refinement is lost and vulgarity takes its place. Out of eighteen cases of illegitimacy recently handled in a certain hospital, the women in six cases were constant patrons of the commercial dance hall. In the country districts the dance hall frequently leads to immorality. In the cities girls suffer much from association with vulgar men. Men hardened in vice begin to break down the standards of the young women until finally the compensation demanded for their companionship is nothing less than the surrender of virtue. Young women in our juvenile courts are constantly revealing the fact that many girls expect to grant such

compensation and that the young men demand it. Without austere morals and resolute wills they cannot deny such requests and save themselves. The study of bastardy cases in Chicago to which we have previously alluded also confirms the general conclusions that we have stated. None of the girls habitually sought recreation provided by philanthropic or social institutions but the great majority did patronize commercial amusements with their constant temptations and abounding vulgarity. Constant dangers therefore confront young women wherever recreation is largely commercialized and little public supervision exists. Only too often certain men patronize dance halls for the sole purpose of meeting attractive girls and persuading them to surrender their virtue. There is great danger that immorality will among certain groups become practically contagious. Often young men enter into a compact to force illicit relations with their female companions. The pleasure of an occasion is tested by the opportunity for immorality. The young women are made to understand that they are receiving pleasure and enjoyment which can be paid for adequately in only one way. An illustration of this situation has been given by the girls' protective association working in a large city.[22] One of the girls coming under its care related the story of her downfall. She had gone to a "truck" party, which consisted of an outing in the country, a large truck being used as the vehicle of locomotion. The woods yielded the necessary privacy. When asked about the other couples she confessed that they were all alike and that the girls would be left alone or forced to associate with each other entirely if they did not make these concessions to the young men. Escapades such as this one finally lower the ideal of chastity and the young women come to regard their indiscretion as a trivial matter, but many are finally jolted into a realization of its seriousness when the terrible facts of illegitimacy and unwanted motherhood confront them. Meanwhile the content of pleasure as

[22]Girls' Protective Association of St. Louis. First Report. 1920

defined by the young men is standardized at a point where it necessarily involves immorality.

Drunkenness

A consideration formerly of much importance was the excessive use of intoxicants. Alcohol has an insidious effect on the human being. It is well known that it weakens the powers of inhibition and makes its victims susceptible to suggestions of many kinds. It certainly stimulates passion and thereby promotes immorality. Picnics, boat excursions, public dances and other forms of amusement and recreation frequently culminated, in former days, in the intoxication of the young men and in the moral relaxation of the young women. Will power surrendered to the passions and illegitimate children told the story of the moral lapses that had occurred. Often the girl was overcome with liquor through the designing efforts of some vicious man and while in this condition readily yielded to the importunities of her companion. The disappearance of the open saloon has greatly reduced this cause of immorality, but the danger exists so long as intoxicants may be obtained even though they be procured in a clandestine manner.

While sober, the great majority of these young people would not seriously consider irregular relations, but the fire of alcohol temporarily inflames their sex emotions; and after their debauch they bitterly regret their actions, but it is too late.

These conclusions are well substantiated by the facts showing the relation between the saloon and prostitution. It has been clearly demonstrated that the social evil shrinks perceptibly when alcoholic liquors are not available to weaken the power of men and women over their animal instincts. Keepers of houses of ill repute have constantly fought the repression of the liquor traffic because they know that these houses flourish more abundantly if opportunity for indulgence in alcoholic liquors is provided. The enforcement of national

prohibition should become a factor of material importance in reducing illicit sex relations.

Sexual Suggestibility

An interesting and important physical state is that known as sexual suggestibility. Some women and probably a larger number of men are abnormally excitable as to sexual matters and accordingly are prone to yield to the impulse quite regardless of its possible consequences. In some instances, no doubt, this passion is an inherited trait, in others it is due to unusual development and personal conditions, such as early sex experiences, masturbation, immoral suggestions, access to lewd pictures, etc. Many delinquent girls are practically incapable of self-control and finally accept their physical condition and desires as normal. Kammerer credits sexual suggestibility and erotic tendency with being largely responsible for illegitimacy in 66 out of 500 cases.[23] However, in the majority of instances the woman was susceptible only to the importunities of a certain man, usually her sweetheart. Probably the desire to please was a factor in many of these cases and a contributory cause of considerable importance.

Healey, in analyzing the causative factors in the production of delinquency, finds that improper sex habits and experiences were main factors in 50 per cent of the cases studied and minor factors in over 20 per cent.[24]

Although the delinquencies considered were varied in character and did not in most instances culminate in sex offenses, the study is valuable for our purpose because of the large number of delinquent acts traceable to abnormal sex habit.

Causes According to Kammerer

In his excellent case study of 500 unmarried mothers

[23]The Unmarried Mother, p. 320.

[24]The Individual Delinquent, p. 130.

Kammerer has minutely analyzed the causes responsible for each woman's misstep, exclusive of the defective group. The table that follows presents his conclusions:[25]

CAUSES OF ILLEGITIMACY

Causes	No. of times a major factor	No. of times a minor factor	Total No. of times appeared as factor
Bad Environment	29	56	85
Bad Companions	8	136	144
Recreational Disadvantages	....	22	22
Educational Disadvantages	....	20	20
Bad Home conditions	194	158	352
Early Sex Experience	....	25	25
Physical Abnormality	6	53	59
Sexual Suggestibility	27	16	43
Sexually suggestible by one individual	38	4	42
Abnormal Sexualism	1	1	2
Mental Conflicts	3	2	5
Defects of Heredity	....	48	48
Assault, Rape, Incest	14	....	14
Not analyzed	13	....	....
Total	333		
Suggestive of Mental Abnormality	167		
	500		

Lack of Religious Training

The failure to give effective moral and religious training to our young people cannot be overlooked. No one can truthfully gainsay that excellent religious instruction would go far toward inculcating ethical ideals which would reduce the tendency toward sex immorality. It is true that those ignor-

[25]Work cited, p. 320.

ant of sex matters but morally sound occasionally fall; but more often their moral stamina will triumph. Knowledge of sex and sex hygiene without a working conscience will not abolish immorality; it might reduce some of its consequences, especially illegitimacy through the knowledge of preventive methods that would inevitably be attained. The decline of religious control has undoubtedly served to lower moral standards and to make them less coercive than formerly. Writers frequently confuse church affiliation with religion and therefore reach peculiar conclusions as to the relation of such affiliation to illegitimacy. It is not church connection but genuine training in moral power and capacity for virtue that counts. Religious connections are often merely nominal. Therefore the standards of morality that prevail do not reflect the effect which the intensive cultivation of a religious life might produce. They are an indication of the general or community effect of an organized religion but not of the influence of a particular denomination on the individual.

Illegitimacy and the War

So tremendous a disturbance of social life as the late war is certain to produce a considerable effect on the morals of a country. The withdrawal of millions of men from civilian life and their complete separation from the opposite sex represents a serious social abnormality. On the other hand, the training and discipline which the men received must have produced decidedly beneficial effects. However, the community effects were much better than the individual results. The social hygiene movement for example was advanced many years. Certain exceptional results were also experienced. The irresistibility of the uniform led to the downfall of many a hapless girl. Often the soldier boy was duped by an older and immoral woman with serious consequences both to him and the woman.

In England the annual number of illegitimate births occurring after the war began declined slightly, but the per-

centage of illegitimate to total births rose. In Milan, Italy, the proportion rose and in 1916, 9.4 per cent of all births in that city were recorded as illegitimate. The effects produced in this country cannot be statistically stated.[26]

One of the most menacing aspects of the whole problem is the relative decline in the proportion of the male population. In most countries as a result of the war there are now many more women than men. There is great danger that this abnormal condition will result in a wide-spread disturbance of moral standards with such consequences as adultery, illegitimacy and immoral relations of divers kinds. Unless drastic methods of prevention are adopted it is difficult to see how results can be otherwise. Fortunately for the United States these disproportions and their accompanying dangers do not occur here except in a few localities.

Personal and Social Conditions Affecting Illegitimacy

In addition to the direct causes, the prevalence of illegitimacy is profoundly affected by a variety of personal and social conditions. These, although they are not to be regarded as causes of the evil, are factors which lessen or accentuate its seriousness. The most important ones are: age, occupation, religious affiliation, country or urban residence and proportion of unmarried men and women. Besides these there are others of minor value.

Age

Among the most significant conditions underlying illegitimacy is the age of mothers. Has the period of physical maturity been reached? Are the mothers entitled by age to bear the full responsibility for their downfall? Is the age distribution everywhere approximately the same? Questions such as these array themselves before the sociologist and ask for an

[26]Lundberg, Emma—"Illegitimacy in Europe and the War." National Conference of Social Work, 1917. p. 300.

answer. The light which statistics throw upon this subject is partially indicated in the following table showing the ages of mothers of illegitimate children. For the localities stated in the subjoined table it has been possible to divide the mothers into two groups, those under 21 and those 21 and over.

AGE OF MOTHERS

Locality	Date	Number cases	Ages	
			Percentage Under 21	Percentage 21 and over
Washington, D. C.				
white	1913	113	37.17	62.83
colored	1913	487	65.5	34.5
Philadelphia				
white	1915	591	52.9	47.1
colored	1915	364	65.9	34.1
St. Louis				
white	1912-13	1079	55.7	44.3
colored	1912-13	271	69.7	30.3
Australia	1910-12	20691	37.05	62.95
Ohio	1913	1290	60.1	39.9
Baden	1902	4284	31.8	68.2
U. S. Birth Registration Area	1918	22765	45.2*	54.8*

Surprising differences seem to exist in regard to the proportion in each age group. In Baden it is low among those under 21; in the American cities it is higher, while in St. Louis and in Ohio the number is excessively large. In fact, more detailed figures indicate that illegitimacy among American girls of 15, 16, and 17, is far more common than among German girls, and these facts hold for both colored and white girls. Examples of negro girls of 12 or 13 are not rare and many white girls of 13 have suffered the pangs of unwanted

*Age classification for birth registration area is "under 20" and "20 and over".

motherhood. In the American cities it appears that a greater incidence of illegitimacy occurs among girls in the 18th and 19th year of their lives than at any other period. It is probable that the great majority of the unmarried mothers in the United States over 25 years of age have practiced immorality before reaching this age. At 18 girls become marriageable and beyond this age the proportion of single girls rapidly declines. Accordingly, the higher age groups offer less relative opportunity for illegitimacy. In Baden, however, the twentieth year represents the age of greatest frequency and the leading years are 19 to 23 inclusive. Using 21 years as a dividing line, we find that serious differences also exist. In the first place, about two-thirds of the colored fall below this age, but the greater proportion of white women are more than 21. Nevertheless, wide differences in these respects are noted among various sections of the United States.

Owing to the various age groupings made by the different statistical bureaus, satisfactory comparisons cannot be made. It has been possible, however, to ascertain for several localities the proportion of unmarried mothers that fall within the age group 20-24 years. In St. Louis about 40 per cent are classified in this group, but in Baden the figures for 1902 were 53.1 per cent, while in Berlin the proportion in 1907 was 46.2 per cent. It is significant also that in Germany a much larger proportion than in the American cities are more than 25 years of age. The births in Berlin may, for the purposes of illustration, be compared with the white births in St. Louis. In the former city 32.3 per cent of the unmarried mothers were over 25; in the latter only 15.9 per cent. On the whole it appears that immorality manifests itself in the early years of life of the young woman in America and rather quickly runs its course. In Germany it appears later and lasts longer. As a consequence, a large proportion of American girls are immature and with difficulty able to care for their babies, while in Germany the great majority are mature in years if not in mind.

The facts presented above relate to the ages of various

groups of unmarried mothers without reference to the number of pregnancies that have occurred. Since some of the women have previously undergone motherhood, the age at the time of first pregnancy will be lower than the figures given in the foregoing table. Kammerer has been able to obtain facts bearing on this question and his statistics show that 333 or 66 per cent of the 500 mothers studied conceived their first child before they were 21 years old, and that 45, or 9 per cent were less than 16 years of age. If these cases are typical of the New England unmarried mother they constitute an astounding revelation of the youth of these unfortunate girls. Nixon presents a unique table which relates illegitimacy to the age of unmarried women.

RATE OF ILLEGITIMACY ACCORDING TO AGE OF UNMARRIED WOMEN[27]

(Australia)

Age	Annual rate per 1000 unmarried women of child-bearing ages	Rate per 1000 total births
14	.42	841
15	1.68	765
16	4.34	563
17	8.15	415
18	13.30	315
19	17.18	230
20	17.45	172
21-24	17.72	80
25-29	15.83	35
30-34	12.85	22
35-39	11.74	21
40-44	6.13	19
45-49	1.41	29
TOTAL	11.61	57

[27]Table taken from Journal of the Royal Statistical Society, Vol. 77, p. 853.

According to the foregoing table illegitimacy is most prevalent among women from 21 to 24 years of age, but the rates among those from 25 to 39 are exceedingly high. In fact the age of 30 is exceeded before the rate falls to that recorded for girls of 18. The figures showing the proportion of all births that are illegitimate are very significant. More than four-fifths of the births among girls of 14 are illegitimate, but this proportion rapidly declines with advancing age, and the age groups presenting the highest rates show a proportion of only 80 illegitimate per 1000 births, or 8 per cent. These statistics indicate that among the younger girls sex relations are infrequent, but those that occur are largely contrary to legel sanction.

As girls grow older they marry thereby leaving fewer individuals to satisfy their sex hunger in illicit ways, but the unmarried women are restless and for many years a large number stoop to immorality. Gradually habits become fixed and illicit sex life declines. The general facts as to age seem to indicate that the restless sex impulse reaches a physical climax in the late "teens" and early twenties, and that after this period of life it is either subjected to gradual control by will power and righteous desire, or its force is lost to public view through the avenue of marriage.

Occupation

One of the most perplexing conditions underlying illegitimacy is the occupations of the mothers. The great difficulty lies in determining the significance of the facts. The following table shows the relative distribution of illegitimacy among the various occupations in Berlin for the year 1905 and probably presents conditions not materially different from those prevailing since that time to the present.

ILLEGITIMACY AND OCCUPATIONS IN BERLIN[28]

OCCUPATION	Percentage of Women in Specified Occupations	
	Unmarried mothers (1905)	Occupations of women marrying, 1905-1906—at time of marriage
Farm and garden and fishing	.2	.2
Metal and Implement	.3	.8
Textile	.4	.8
Paper and Leather	.0	.8
Food materials	.4	.3
Clothing	18.7	25.6
Cleaning	3.4	3.8
Printing	.8	.9
Insurance, Trade	7.3	8.7
Transportation and marine service	.3	*
Hotel	1.5	.7
Other trades	.4	1.0
Photography	.2	.1
Servant	30.7	19.4
Other personal service	1.5	1.2
Laborers	25.3	12.9
Nursing	.5	.5
Teaching	.5	.5
Artist	.5	.4
Rentier	.1	.2
Literature and newspaper	.2	.2
No occupation or preparing for trade	5.0	18.3
Not designated	1.7	2.7
Total	100.00	100.00
Total number	9402	45521

[28]Statistiches Yahrbuch der Stadt Berlin (1906-07) 1909.

In the foregoing table is given the distribution of the unmarried mothers of 1905 among the various occupations. The best available comparison with these figures is made by using the occupational distribution of women who married during this period. A number of very interesting contrasts appear. For example, 30.7 per cent of the unmarried mothers were servants, although only 19.4 per cent of the girls marrying came from this group. Among "laborers" the respective proportions were 25.3 per cent and 12.9 per cent, or a relation of two to one. The girls in the clothing industry furnished 18.7 per cent of the illegitimacy but more than 25 per cent of the group who married. Among hotel girls the rate of illegitimacy was high but among the unemployed and student class it was very low. It is quite clear that certain occupations yield a much heavier proportion of illegitimacy than others, but the extent to which these occupational conditions are causal factors cannot be determined since we cannot tell how far these occupations attract women of low standards. Moral hazards seem to be greatest among servants, hotel girls and laborers. These facts are also borne out by statistics for 1891 which show that in Berlin among 1000 unmarried women in a specified occupation the number of illegitimate births was as follows:[29]

Laborers, 46.5; without trade, 42; hotel workers, 37.1; personal service, 26.1; and clothing and cleaning, 25.8. Here, however, the laborers rank first and personal service only fourth, while the girls without a trade furnish a very high rate and rank second.

Some figures presented by Lange for Baden and covering the three years 1894-1896 corroborate in general the conclusions reached in regard to Berlin.[30] Although the statistics are no longer recent, there is no reason to suppose that the

[29]Linder, Frederick: Die Unehliche Geburten als Social Phänomen.

[30]Lange, Aug. Die Unehlichen Geburten in Baden.

proportions among the various occupations have undergone any considerable change. An item of interest is the classification of the total number into two groups—the independent and the dependent, the former being largely self-employed, the latter serving for pay.

Lange draws conclusions based on the facts for more than 224,000 unmarried women, most of them engaged in some gainful occupation. Out of this total, 4,837 or 2.15 per cent gave birth to illegitimate children. It is noteworthy that among the seven groups into which the occupational conditions were divided, official and professional service furnished the lowest rates of illegitimacy -.37 per cent, or about one instance out of every 262 women. These women, whether independent or employed, possess a high level of educational attainment and, as should be expected, led every group in their standards of morality. Close on their heels was another group consisting of students, orphans and dependents of various kinds, most of whom, however, were peculiarly protected by their environment for the time being. Here we find that every 155th woman became a mother. These are the only general groups, except the so-called independent class, in which less than one per cent of the girls went wrong. Among the remainder there was a considerably larger proportion. The tradeswomen came next and the agricultural group, from whom better results should have been expected, followed with a slightly larger rate. It seems that the rural women betrayed less immorality than did the women of the country as a whole, nevertheless, particular classes inhabiting the towns and cities gave objective evidence of a superior morality. Without doubt these groups differed somewhat in mental quality and the brighter women displayed the greater caution. One-fifth of the total number were not gainfully employed and of these a small proportion were classified as independent; they furnished but few illegitimate children. Most of this group, however, consisted of women from the lower economic strata, with little or no means of their own.

They exceeded the average rate for the country, the figure actually reaching 2.5 per cent, or one woman out of 40. Furthermore, the number of women falling into this group justifies the claim that this rate is valid for women of this class. The dependent woman without an occupation, or temporarily unemployed, apparently encounters many pitfalls and expresses her temptations in the unfortunate terms of unwanted motherhood.

Lange's figures show that the rate among women engaged in mining and manufacturing and in domestic service and common labor was about the same, and that this figure leads the various occupational groups. But certain manufacturing industries yielded rates far above the average for the group and greatly exceeding those prevailing in domestic service. For example, the machinery industry furnished three times the proportion returned for domestic service. There was also a great disproportion between the percentage of cases coming from dependent and the independent groups. The former had a rate of 2.4 per cent, the latter of only .9 per cent, or about two-fifths as much. These differences are so wide as to indicate that important social, legal, and perhaps physical conditions handicap the wage-earning group. Without doubt such high rates as those prevailing in the manufacturing industries depend in large part on a depleting social environment. Comparing domestic service with the rates among the dependent class to which this occupation belongs we find that there was only a slight excess of illegitimacy among this group. In Baden, therefore, it appears that domestic service furnishes little more than the expected rate. The higher classes, that is, the better educated group, whether independent or employed, yield the lowest rates.

In the United States the facts in regard to occupation are almost wanting. In the first place there are few reports of the amount of illegitimacy and still fewer analyses of the social conditions of the parents. The following table pre-

senting information relating to the occupational distribution of mothers in St. Louis, Philadelphia and Milwaukee and in

PERCENTAGE OF UNMARRIED MOTHERS IN SPECIFIED OCCUPATIONS[31]

OCCUPATION	CITY OR STATE						
	St. Louis	Milwaukee	Boston		Wisconsin	Philadelphia	Cincinnati
	1911-13	08-13	1913	1914-18	1910	1915	1912-14
Domestic, Housewife & Housekeeper	60.3	68.0	38.0	44.6	71.9	73.6	59.4
Factory	7.65	6.8	21.7	31.4	1.25	12.7	9.9
Laundry	4.5	a	1.2	2.8	.4	1.3	....
Waitress	2.7	.9	8.9	6.6	a	2.1	1.7
Clerk & Store	3.0	4.4	3.3	4.2	2.08	1.5	3.8
Seamstress & Milliner	3.15	2.3	3.7	....	2.28	2.4	5.4
Telephone	.95	a	....	1.4	.4	1.1	1.4
Student or School girl	2.15	2.4	2.4	....	3.0	2.6	2.0
Office	2.1	1.1	4.5	1.2	1.94	1.5	2.7
Teacher	1.2	1.2	a	.6	1.25	a	1.0
No occupation including "at home"	10.4	8.4	7.8	4.4	10.4	b	10.3
Miscellaneous	1.9	4.5	8.5	2.8	4.4	1.2	2.4
Total Number	2010	1524	331	500	721	1151	666
Occupations unknown	72	136	.....	.....	110	38	.....
Grand Total	2082	1660	.....	.....	831	1189	.....

a. Percentage almost negligible.
b. Included under "Occupations Unknown."

[31]Mangold, G. B. and Essex, Lou R.—"Illegitimate Births in St. Louis."
Report of Wisconsin Vice Committee—p. 137.
Studies of the Boston Conference on Illegitimacy.
Report of Philadelphia Board of Health.
Trounstine, Helen S.—"Illegitimacy in Cincinnati."
Figures for Boston, 1914-18, based on 500 cases handled by Society for Helping Destitute Mothers & Infants.

Wisconsin will, however, indicate the types of conditions which are to be expected and which very likely prevail in the large cities throughout the country. The statistics for 331 out of 858 unmarried mothers in Boston are also indicated, but it is not likely that these figures are typical since they refer only to those cases coming under the observation of the charitable organizations.

The percentages in the above table are based on the number of women having a known, or no, occupation, and those for whom information was lacking were excluded from the computation on the assumption that in their cases the occupational distribution would be very similar to that of the known cases. Comparing domestics with the entire number of women we discover that in St. Louis they form 58.2 per cent of all and in Milwaukee 62.6 per cent. On the other hand, by limiting the consideration to those mothers whose occupational status was known, as was done in the foregoing table we find that in St. Louis 60.3 per cent and in Milwaukee 68.0 per cent were domestics. The Wisconsin Vice Committee relates the mothers to women employed in Milwaukee and finds that among domestics the rate of illegitimacy is 2.9 per cent, among waitresses, .59 per cent; clerks, .33 per cent; and among other occupations is still lower. This would indicate an excessive disproportion among domestics but the figures are somewhat vitiated by the fact that 30 per cent of the girls came from outside the city. The occupational distribution of working women in the rural districts differs widely from that of the large industrial centers. In Boston among 331 girls, 38 per cent were domestics, 21.7 factory workers; then followed waitresses and the "at home" group.

In Cleveland out of 175 unmarried mothers studied 100 or 57 per cent were classified as engaged in housework, about 10 per cent were employed in factories and a similar number in offices and stores. Kammerer, in his study, classified 31.6 per cent as domestics, 26.2 per cent as factory workers, and

these were followed in order by the "at home" group, waitresses, school girls and mercantile employments.[32]

English statistics for 1911 show that indoor domestics are responsible for 45 per cent, and all domestics for 55 per cent, of the illegitimate births. Corresponding figures for unmarried women at work are 32 per cent for indoor domestic work and 35.3 per cent for all forms of domestic work. Mr. Nixon, whose figures we give, does not place much value on the statistics for domestic service because of the heterogeneous types in Great Britain. Accurate comparisons likewise cannot be made in the United States because the classifications by local health departments and the census bureau are not sufficiently identical. Nevertheless, it is clear that there is a considerable preponderance of illegitimate births among the servant class.

The relation of domestic service to immorality is also indicated in the federal investigation of juvenile delinquency and its relation to employment. It is shown that a considerable proportion of servants become involved with members of the household, but general conditions are held largely responsible for these exorbitant rates. Among the causes mentioned are: the loneliness of the life, the lack of opportunities for making friends and securing recreation and amusement in safe surroundings, the monotonous and uninteresting nature of the work done, lack of external stimulus to pride and self-respect and the unguarded state of the girl except when directly under the eye of her mistress. Borosini adds that "Most unmarried mothers are recruited from among poorly paid and insufficiently protected industrial workers and domestics." It is probable that domestics as a group are somewhat below the average in education. Added to this are their scant facilities for companionship and social life, due largely to the discrimination, if not snobbery, prevalent among mistresses. Long hours and excessive isolation also

[32]"The Unmarried Mother"—p. 329.

drive many girls to irregular habits, and the desire to secure relief in recreation often results in the patronage of questionable amusement places.

Religion

The relation of religion to the prevalence of illegitimacy is not very clear. The European statistics show that Roman Catholic Ireland has the lowest rate of illegitimacy in Europe. It further appears that while the rates in Protestant North Ireland are low, those in Catholic South and Southwest Ireland are considerably lower. In addition, Protestant Ireland is more well-to-do than Catholic Ireland and should have better opportunities and less temptations for young women.

Russia follows Ireland and has extremely low rates. Here the Greek church dominates and influences morals. When we cross over into Austria we find that a Catholic country has among the highest rates of illegitimacy found in Europe. In studying the Protestant peoples it appears that the widest deviations are discoverable. Parts of Protestant Germany yield most alarming rates, but in Netherlands, England and the United States the rates are decidedly lower.

Leffingwell says that five European countries, three Catholic and two Protestant, exceed Japan in their proportion of illegitimacy.[33]

Lindner, in his study of Bavaria for the years 1889-95, finds that taking the country as a whole the rate for Catholics was slightly in excess of that for Protestants. In the cities he found a large disproportion, represented by the figures 23.1 and 15.6, but in the provinces (cities being excluded) the Protestants had a slightly higher rate. In the villages and small towns conditions are apparently very different from those prevailing in the large cities. The absolute rates are lower and the inequalities between the two religions less.

[33]See Webb, A. D., New Dictionary of Statistics. "Birth Rates."

It appears that in the cities the social status of Catholics and Protestants differs and that this difference is a considerable factor. Catholicism or Protestantism as religions have apparently influenced the situation but little. The disproportions which exist are based not so much on religion as on social conditions and the status that sometimes seems to accompany them. These conclusions, however, do not hold for the Jews, among whom the rate of illegitimacy is very small. According to the Bavarian figures it is about one-eight of the general rate for the country. In a similar way the statistics for Buda-Pesth clearly shows a much lower rate for the Jews. Townley-Fullam, quoting statistics for 1906, says that among Roman Catholics the rate of illegitimacy was 30.2 per cent, among two branches of Protestants, 30.8 and 29.9 per cent respectively, but among the Jews the rate was only 11.7 per cent.

The few American figures have no real statistical value. According to the information gathered for 286 women in Boston 59 per cent were Protestant; and out of 419 women in Chicago and 223 in Philadelphia, the Catholics were represented by 58 and 54 per cent respectively. It is not possible, however, to ascertain the proportionate religious affiliations of the population from which these women are drawn; and therefore, no proper comparisons can be made. Each city, however, reports a rather small number of Jewesses. It is apparent from the varying statistics that factors other than religion, such as race, education, social status, economic conditions, and political relations, are primarily responsible for the wide differences that exist. It is likely that rates would be much higher if religious influences were absent, but the relative superiority of one religion over another as a deterrent factor cannot be weighed. However, the uniformly low rate among Jewish people is significant.

Country or City Life

The relation of rural and of city life to illegitimacy is

apparently obscured by various social conditions. At any rate, different localities yield different results and prevent broad generalizations on the subject. In some regions illegitimacy is more common in cities; in others, in the rural districts. In England, in 1911, the rate per 1000 unmarried women aged 15-45 years was 7.98. Yet the rate for London was only 6.47; that of other urban districts was 7.68, of the country boroughs 8.23, and of the rural districts 9.26. In Wales the rate was 9.51. It appears that the largest city had a relatively low rate; that rates rose as cities decreased in size, and that the highest rate was charged against the country districts. In view of the usual migration of a considerable number of unfortunate girls from the country to the cities the rural rate is not over-stated, and is evidently an indication of a real excess of illegitimacy in the country districts. This must not, however, be confused with an excess of immorality, because it is well known that the city girl is more adept than the country woman in the art of preventing the natural effects of her immorality, either by procuring abortion or by use of other methods. Even in England there is doubt whether immorality is not more prevalent in the cities than in the rural districts.

On the continent conditions are apparently reversed as is shown in the statistics presented for Bavaria and for France.[34]

RATE OF ILLEGITIMACY PER 100 BIRTHS

France (1911)		Bavaria (1910)	
Paris	24.0	Munich	26.8 (06)
Cities 100,001 to 550,000	18.1	Cities 20,000 and over	20.7
Cities 30,001 to 100,000	15.1	Cities 2,000 to 20,000	11.0
Cities 20,001 to 30,000	12.2	Cities under 2,000	9.5
All France	10.2	All Bavaria	12.3 (11)

[34]Statistical Year Book of Bavaria and Statistical Year Book of France.

Here we see that as the size of towns and cities increases the percentage of illegitimacy rises. Not only is this true, but the largest cities have more than twice the proportion prevailing in the small towns. Without doubt this represents a real excess in the cities as migration cannot account for more than a small percentage of the difference. Similar facts apply to such countries as Austria, Sweden and Denmark, where the large cities report excessive rates of illegitimacy.

In the United States the statistics are still so meager that little information of value can be added. Especially is this true in view of the general inaccuracy of birth statistics. The figures for Ohio in 1909 indicated a rate of 38.8 illegitimate births per 100,000 population in cities and of 55.2 in rural districts. The rates in the large cities of Cleveland and Cincinnati, however, considerably exceeded the rural rate. Although these are crude rates, they would still appear to the disadvantage of the country if allowances were made for differences in conjugal conditions and other factors. On the other hand, in Michigan, the urban rate is more than 50 per cent above the rural rate and the largest proportions are also found in the biggest cities. In Wisconsin the rate for 1913 was 1.5 per 100 births, but in Milwaukee it was 2.7, or over 60 per cent higher than the average for the state and nearly twice the rate for the remainder. The figures for Ontario, Canada, are likewise interesting in this connection. For the entire province the rate in 1915 was 2.2, but for the cities it was 3.6, while for the towns it was only 1.4. For Ottawa it was 7.0 and for Toronto 4.27. Here the cities have much higher rates than the small towns which are often denounced for their reputed immorality. The figures for Ontario, however, do not justify this charge, since it is clear that the rural rates are higher than those for the towns. So far as American statistics are available the preponderance of fact is clearly in favor of lower rates of illegitimacy in the rural districts.

Proportion of Unmarried Men and Women

Among the factors that influence illegitimacy rates is the excessive disproportion of unmarried adults, especially if accompanied by unfavorable conditions as to housing and economic status. In his study of causes in England, Nixon has attempted to correlate the varying rates of illegitimacy with certain other factors. He concludes for example, that the employment of unmarried women is not correlated with illegitimacy, and that even if rather definite relations existed, the statistics would probably be vitiated because of the greater prevalence of preventive methods among the occupied women. A comparison, however, of the relative number of unmarried men and unmarried women, and the rates of illegitimacy, indicates a decided correlation. The presence of a large unmarried population of both sexes leads inevitably to high rates of illegitimacy. Where the proportion is large among the members of one sex only, the correlation is not definite. That the rates are influenced thereby is quite probable. Borosini thinks that the presence of many unmarried women leads men not to marry, and, therefore, increases illegitimacy. Westphalia, with a surplus of men has a low rate of illegitimacy, while Bavaria and Carniola, with a surplus of women, have high rates, the latter province reaching a proportion of 38 per cent. The author, however, believes that other causes are responsible for such correlations as may be found between these conditions.

The excessive rate in many cities is partly influenced by the presence of large number of single men and women. This is particularly true of cities visited by seamen, travelers and other unmarried men. The constant migration of young unmarried persons from the rural districts to the cities results in an excessive disproportion of single men and women from twenty to twenty-five years of age in certain industrial and commercial centers. Abnormal conditions in this respect seriously modify the rates of illegitimacy in such cities and must be considered in comparing them with the rates prevail-

ing elsewhere. Where men preponderate and the number of women is small, naturally the rates of illegitimacy should be low, but where women are in the majority many must remain unmarried, with a consequent encouragement to illegitimacy.

The Putative Fathers

The fathers of illegitimate children have received but little attention from the statistician. Only too often facts about fathers are not recorded and the few figures attainable are not representative of them as a class.

The following statistics giving the ages of groups of men and women in Boston and Philadelphia throw some light on the age differences that exist:

AGE DISTRIBUTION OF PARENTS[35]

LOCALITY	Number cases	Percentage			
		Under 21	21-24	25-29	30 and over
Philadelphia					
Men	240	19.1	35.4	23.0	22.5
Women	271	49.0	29.1	14.9	7.0
Boston					
Men	119	12.6	43.7	27.7	16.0
Women	317	33.4	43.8	14.8	8.0

The figures for Philadelphia indicate that nearly one-half of the women but less than one-fifth of the men were under 21. The median age for the men is between 24 and 25 or about three years more than that of the women. Of those above 30 the men outnumber the women three to one. The differences recorded for Boston are less striking. Both men and women average a higher age than that prevailing among the Philadelphia groups. The modal age in both in-

[35]See Studies of Boston Conference on Illegitimacy, and Report of Philadelphia Municipal Court, 1915.

stances falls into the age group 21-24 years. Beyond 25 the men are twice as numerous as the women. The case of one man was recorded who had reached the ripe old age of 74. On the whole the age differences are very similar to those prevailing at the present time among married couples, but the absolute age distribution of the men is not necessarily typical of the entire group because the cases considered in the foregoing table are few in number and drawn from special sources.

The Cincinnati study obtained similar results. It was discovered that 20.8% of 258 men whose ages had been ascertained were under 21. Almost exactly one-half were from 21 to 25 inclusive. Over 70% were under 26 years. However, 11% had passed their thirty-sixth birthday, a proportion very much higher than that prevailing among the women.

The civil condition of the father differs from that of the mother, a fact which interferes considerably with the satisfactory handling of a case. Very few of the mothers are married or, if they are, live with their husbands. A few are widowed or divorced. The fathers, on the other hand, include a large percentage of married men, probably from 10 to about 25 per cent. A goodly proportion of the older men fall into this class. Naturally they are guilty of adultery as well as being the fathers of illegitimate children, and, therefore, the problem which they present is more difficult and complicated than that of the simple-minded unmarried woman.

The mentality of the men is of a distinctly higher grade than that of the women. It is not probable that very many of the men are feeble-minded, otherwise they would hardly be able to victimize young women. Again, the subnormal male is more likely to use violence and eventually come to grief. Furthermore, he is avoided by normally minded girls and only the weak-minded are in danger of becoming his victim. But few of the men are illiterate and many of them are well-educated. Some, in fact, are preparing themselves for

a professional career. Illegitimacy often results from carrying out a vicious code of morals according to which a given group of men feel bound to protect the young women of their own social stratum, but consider those of a lower stratum as legitimate objects of prey. As a consequence, many of the latter group are ruined, but the men manage to find means of escape or at least to evade their just moral and financial obligations. The condition is well illustrated by the fact that so many students, professional men and artisans are included among the reputed fathers.

So far, however, only a few simple facts have been gathered. In no state do the birth certificates give complete information about fathers. Accordingly, we must rely on the fragmentary evidence that can be ascertained. In St. Louis during the years 1910, 1911 and 1912, some information respecting the fathers was recorded, and the occupational distribution of 343 white fathers was obtained. No less than 58, or one-sixth of the total, were classified as farmers, but this high proportion was due to the large migration of expectant mothers from the country districts. Nearly as many were registered as salesmen, and there was a considerable sprinkling of miners, bartenders, waiters, bakers, chauffeurs, butchers and barbers, and a few physicians as well. In fact comparatively skilled trades and well remunerated occupations furnished a considerable percentage of the total. On the other hand, nearly one-third of the entire number were classed as laborers, and probably the great majority of these were unskilled.

Similar information concerning 143 putative fathers in Boston discloses a great variety of occupations, many of them of a decidedly responsible character. Here students contributed entirely too large a proportion of the cases. A careful investigation of the occupations of 256 men involved in bastardy charges in Philadelphia gave the following results: Factory workers 44, skilled laborers 38, unskilled 29, chauffeurs and teamsters 24; then followed small

tradesmen, the transportation service, building trades and clerical occupations with about a dozen each. The remainder were scattered among many occupations, most of them of comparatively high grade. In fact the majority of these men were employed in economically desirable occupations.

The figures relating to the occupational status of the reputed fathers in Cincinnati indicated that common laborers formed the largest number of any single group. These were followed in order by artisans, factory workers, railroad men, clerks, farmers and traveling salesmen and form a series somewhat similar to those obtained from the other cities.

The figures for each of these four cities are based on considerably less than one-half of the cases of illegal paternity and it cannot be assumed that the unknown cases follow an occupational distribution similar to that of the known.

These meager facts, although insufficient for statistical comparison, point clearly to a relatively superior attainment in industry. The burden of illegal paternity rests lightly on the offending men and a large number of representatives of so-called better classes become involved. Only too often women are victimized because of a false allurement and a promise, the fulfillment of which never was intended. Nevertheless, little is definitely known about the exact social, civil and economic conditions of the men, nor will there be until paternity is regularly determined. Then their social history will be disclosed and light be shed on the nature of the problem which the men present.

CHAPTER III

COMMERCIAL AGENCIES FOR THE CARE OF MOTHERS

Before undertaking to discuss the commercial maternity homes that exist so widely throughout the United States we need to call attention to a practice that frequently makes the use of such homes unnecessary. Sometimes, however, the maternity home itself is guilty of carrying on the practice. The evil referred to is abortion.

Abortion

The woman who faces the condition of unlawful motherhood is usually most unhappy. At first she hopes that a miscarriage may occur, but usually she is not willing to bring this about directly. Often her moral impulses revolt at the thought and sometimes she fears the possible physical consequences, such as fatal disease, permanent injury, or loss of fertility. Later on a large proportion of women begin to think about the child, its probable condition, appearance, resemblances, etc., and they hope that they will never see it. At any rate they hope to dispose of it and to forget all about it.

The evil of abortion is not confined to unmarried mothers. It is well known that many married women employ this crude and criminal method to limit their living off-spring. In fact, the majority of abortions occur among this class. It is also known that some physicians cater to this practice and perform abortions. Occasionally, such physicians are discovered and sent to prison; more often, however they grow opulent from the rich fees secured for their criminal practices. The Wisconsin Vice Committee made a study of abortion in connection with its investigation of illegitimacy

and among its conclusions are the following statements:[36] "There is a large number of physicians and midwives who not only perform operations for abortion, but even encourage the practice. In one small city the investigators readily found two doctors who were willing to take cases for abortion. In another city six doctors were found. Many instances were cited in which the evidence showed that unmarried girls are being advised of this way out of the difficulty and were consequently more ready to take a chance than they would otherwise be. The ordinary charge for producing abortion is from $50 to $100."

Abortionists are found among both male and female physicians. They usually operate in a clandestine manner, while the hapless girls promise secrecy and maintain their promise. If the girls are in the early stages of pregnancy they are probably advised to use some prescribed drug, but later on an operation may be deemed necessary. Physicians frequently make hospital or sanitarium arrangements for the patients, and it is expected that in ten days or two weeks the girls will again be well. Prices vary somewhat according to the length of time required. Many physicians arrange with others in different cities so that if necessary girls may be sent to the adjacent cities either for treatment or convalescence. Many unmarried girls, especially those living in larger cities and who have become sophisticated by considerable contact with many phases of human life turn to the abortionist for relief in time of trouble but the country girl whose standards of morals are usually higher than those of the city girl hesitates to do so, nor is she so ready to undergo the risk involved. Furthermore, the well-to-do and mentally alert, but morally oblique girls frequently practice abortion. In fact, so common is this practice that only a small proportion of this class of girls become mothers. As a result the evil

[36]Report of Wisconsin Vice Committee—pp. 137-147.

of illegitimacy is largely confined to the ignorant and the poor.

In spite of stringent laws providing for the punishment of offenders many abortionists operate with little fear of exposure. Greater vigilance among both physicians and the laity is necessary to detect these criminals and impose on them their well-deserved punishment. Abortion is not only a crime in which physician and patient are co-partners, but it leads to continued immorality and without doubt to prostitution as well. In other words, while it may relieve the individual for the time being, it is most demoralizing to society and it is not a preventive measure but simply a means of apparently reducing the objective effect of immorality. It, therefore, increases the evil it is designed to correct. And if it could be condoned from the standpoint of the unhappy woman relieved of the care of an unwanted baby, it cannot be pardoned from the standpoint of society, which can under no conditions tolerate that disregard for human life which is involved and which if not rudely prevented threatens to undermine those fine feelings of human sympathy so necessary for our civilization.

Maternity Homes

In many states there may be found a flourishing institution known as a maternity home. This is operated on a commercial basis usually by physicians, nurses or midwives, and the conduct of the institution is determined by financial motives. Maternity homes of this character usually secure their patronage through the medium of advertisement. Accordingly, we can find in many newspapers in various parts of the United States, advertisements such as these:

Confinement Home: ladies received before and during confinement; adoption if desired; part pay in work; physician and midwife in attendance. Strictly confidential. Call or write, X Street.

Mrs. X, licensed midwife, receives ladies before and dur-

ing confinement; best of care; strictly confidential; patients met at station. Resident physician. Call or write, X Street.

Ladies! We treat all female troubles; consultation free; resident physician; ladies received before and during confinement. Mrs. ————, X Street.

The above sample advertisements clearly carry on their face the nature and character of the business handled. The significant points are the following:

Physicians, midwives and others conduct the institutions.

There is an appeal to girls outside the city.

The work is carried on clandestinely.

The child may be disposed of by the mother.

Abortion is in some cases hinted at.

Girls may give part pay in service.

The appeal is directed especially to unmarried mothers, who are the principal persons disposed to ask for or accept conditions of the type mentioned. Nevertheless, since many married women desire to procure abortion, this group is frequently represented at some of these institutions.

Another form of advertisement consists of circulars or letters sent to physicians advising them where to direct girls that are approaching unlawful motherhood. In this way, friendly, or at least business, relations are frequently established between physicians and midwives on one hand, and maternity homes on the other.

Girls from the country and other cities accordingly drift to the maternity homes in the larger cities. Likewise, girls from within the city are directed to them by friends, by the police or even by social agencies. The private commercial maternity home cannot ordinarily accept "charity" cases, but it will take the girl if she can pay most of the charges, which, however, are not uniform, or if she can be of service in the house. Occasional maternity homes cater to the comparatively well-to-do; their rates are correspondingly high, and little is known of the details of their work. The majority of

homes aim to meet the needs of those who are not compelled to rely on charity. Ability to pay is the chief condition of entrance. Previous immorality or disease are not reasons for excluding them.

Owing to the desire to keep their conditions unknown to friends at home and to the inability to continue work as long as in the case of the married woman, many pregnant girls enter the maternity homes from two to four months before confinement. Maternity homes, by providing accommodations of apparently various degrees of comfort and excellence, are able to graduate their charges so as to make them conform to the size of a woman's purse. Accordingly, a lump sum may be charged for the service rendered and all the incidentals be included, or there may be a separate charge for each, for board, delivery fee and adoption charge. Board varies considerably and thus gives opportunity for various rates to patrons. Charges range from $5 to $20 per week. The fee for delivery is probably $25, sometimes a little more, and adoption charges range from $5 to $50. The total cost of a month's stay in a maternity home, therefore, varies from about $50 to $200. If the girl finds it necessary to stay longer, the cost is, of course, heavier, but the only items that increase are board and medical attendance. Nevertheless, a charge of $150 to $200 easily accumulates. These possibilities appall many girls who accordingly find themselves compelled to patronize some philanthropic institution or agency. The following table gives the cost to the mother in the various commercial institutions in a certain city:

COST OF MATERNITY HOMES

Institution	Board per week	Delivery fee	Uniform prices	Adoption Adoption	Charge	Cost for 4 weeks including adoption
1	$ 6	$25	No	Yes	$15	$ 64
2	10	25	No	Yes	5-25	90
3	6	25	Yes	No	None	49
4	18	35-50	No	Yes	35-50	145-175
5	*	*	No	Yes	*	125-150

*Cost included in lump sum for four weeks' care.

These institutions give evidence of a considerable variety in the amount charged for the service rendered. The greatest differences occur in the cost of board and the adoption fee. Without doubt the woman falling into the hands of one of these homes is practically helpless and must accede as far as possible to the wishes of the person in charge. In spite of these charges, the adoption fee demanded by foundling asylums is often equally high if not higher. The benevolent institution, however, has a two-fold motive in making this charge. First, it expects to find a good home for the baby, and second, it usually wishes to discourage the mother from relinquishing it. The adoption fee charged by many maternity homes is frequently almost clear gain as practically no effort is made to find decent homes for the babies.

Commercial agencies are not particularly concerned with the moral rehabilitation of the mothers and they have usually intimated to the applicants that they will, if it is desired, dispose of the child. In fact, in many cases they urge the woman to give up the child at once, so that the way may be opened for the erring ones to return to their friends and homes without suffering disgrace and ostracism. They do not go so far as to investigate the social effects of such action, otherwise advice of a different nature might be given.

In case maternity homes find it convenient to take the

child away from its mother it becomes necessary to find a private home for the child. Many institutions have lists of families who are willing to adopt or at least take children, and if a child is to be placed they notify one or more of these families and dispose of the child. Frequently, however, the lists are small or unsatisfactory and the newspaper advertisement is again used. Accordingly, we find in the newspapers under an appropriate heading, usually the caption "Personal," or "Medical," a significant line such as this: "For adoption—fine baby boy, Mr. C" or "Adoption; a pretty baby girl may be had for the calling."

Many maternity homes habitually endeavor to separate the baby from the mother. Frequently, maternal feeding is never allowed and the child is bottle-fed from the beginning. Every precaution is exercised to prevent the mother from becoming attached to the child. Generally, the mother begins without natural affection for her baby because of the sorrow and trouble accompanying her motherhood and if the mother never sees her child there is little opportunity for the ripening of any sentiment of love or of the development of any attachment for it. In addition there may be considerable financial gain in acting as agent in placing the baby in some foster home.

Uusually the charge for handling babies is as high as the traffic will bear. Consequently, charges are not uniform and depend on the demand for babies, the type and vitality of the children, the resources of mothers and other considerations. Whenever possible, two fees are collected; one from the mother for the service of removing and disposing of her baby; the other from the person or family taking or adopting the child. In some cases the cost to the mother is included in the charge for care and confinement. In others it is an entirely independent propostion and the charge or fee is fixed after more definite knowledge concerning the mother and the appearance and saleability of the child has been gained. Undesirable babies, therefore, must in some cases, be given away,

and occasionally paid for. Ordinarily, however, the mother must pay from merely nominal sums to $50 for the service. The person receiving the child pays for the notaries' fees, cost of advertising, temporary care of the child, profit on transaction, etc., and the amount charged will vary as in the case of the cost to the mothers.

When babies are farmed out to their care-takers additional precautions often become necessary to prevent the mothers from recovering their babies and making trouble for both the maternity home and the foster parent. One of these consists in neglecting to keep track of the whereabouts of the children. In fact, such carelessness exists that babies are frequently given to applicants without the institution management's knowing anything about the character of the foster homes or even their address. An investigator in St. Louis inquiring at one of these homes for a baby for a friend was told and even urged to take the baby away with her, although the institution knew nothing about the social and moral status of either the investigator or her "friend." In Chicago in reply to the question, "What shall we bring to get the baby?" implying evidence of one's eligibility for the care of an adopted baby, the simple reply was, "Oh, bring a shawl."

The inquiring mother, therefore, will learn that no one knows where her baby is and that it would be impossible to trace it. Again, it frequently happens that the maternity homes intimate to the mother that her baby has died and thus cause her to cease wondering and worrying about its comfort and condition.

These haphazard methods of trafficking in baby lives are aggravated by the signal failure to require the legal adoption of the babies. The maternity homes desire the least publicity possible and as little connection with our legal machinery as necessary. Therefore, they do not usually file adoption papers, and if anything is done at all, it must be on demand of the foster parent. Frequently, he is too ignorant to

understand the importance of this act, or he connives in the failure to make out a deed of adoption, thus relieving himself of full responsibility for the child later on, should the acceptance of such responsibility prove burdensome or undesirable. That a heavy mortality occurs among these babies is practically inevitable. The incompetent homes so commonly used for the placement of the babies are so neglected that dire consequences are certain, although adequate investigations along this line have not been made. Some of the abuses are due to the greed of the maternity home. For example, a mother may pay the institution the required adoption charge, thinking that the child will be properly cared for and placed out in an appropriate home. Instead of this plan being adopted the institution sells the baby for whatever price it may bring ($10, $15, $25, etc.). Often the baby cannot be disposed of easily and so it remains in the home, languishing and neglected or it is finally placed in charge of a "baby farm," where it will probably die in a few months because of the ignorance, filth and neglect of the caretakers. The following facts describing conditions formerly obtaining in a state of the Middle West illustrate this problem.[37] Mrs. ——— conducted a maternity hospital and boarding home for infants. She received $25.00 to find a home for a baby several hours old. She tried to double this sum by selling the child but failed. She kept the child for three months when it died because of improper feeding. Four other infants in her care died within a period of eight months. Another woman, who for years has been receiving and finding homes for illegitimate infants, carried on this work without any consideration for the welfare of the child. An infant was placed by her in a home from which children had been received by the Board of Children's Guardians because the people were regarded as unfit to care for them.

[37]Twentieth Annual Report of the Board of State Charities of Indiana, p. 194.

The evils that result from conditions such as these in states that exercise no adequate form of public control over commercial institutions are most alarming as has been shown by several investigations conducted to ascertain facts. Unfortunately, the full extent of the problem cannot be unearthed. In all large cities where there are no proper regulations a considerable number of commercial maternity homes may be found quietly carrying on their business. How many babies pass annually through these homes? How many die in infancy? What finally becomes of the mothers? These are questions that cannot be readily answered. In St. Louis in one month twenty-two babies were advertised by maternity homes for adoption. A rate such as this if continued reveals an appalling situation. Of course these babies are not all illegitimate and consequently the problem here is not exclusively one relating to illegitimate children, but there can be no doubt that the majority belong to this group. Again, the vital statistics do not give the complete facts in regard to the number of babies born in such homes. Any estimate of the number of infants handled would, therefore, have but little value.

In Chicago according to the Juvenile Protective Association more than 1000 infants are annually lost sight of. It is known that they are born but there is no traceable record of their deaths although they have disappeared, for they are never heard of again. In many cases the birth records are not made out or are incomplete or are not sent to the bureau of vital statistics for many weeks. Again, a large number of illegitimate children are classed as legitimate and the community has no means of knowing the actual gravity of the problem.

In Indiana the Board of State Charities, after it was empowered to license and control maternity homes, received many applications for the conducting of such institutions. After investigating the subject the Board discovered that the evil was a serious one and it therefore refused licenses in

many cases, reduced the number of maternity homes and raised the standards of the remainder.

In conclusion it appears that the uncontrolled commercial maternity homes are a distinct social menace. The problem of illegitimacy cannot be solved by their methods. The guarantee of "secrecy" to applicants is a dangerous offer and merely aggravates the problem. The inducement to mothers to dispose of their children is dangerous to both mother and child. The former loses the one transforming force that can bring her back to a wholesome, joyous, normal life—a suckling babe. The latter is buffeted from pillar to post and eventually is swept into eternity. Such agencies make no attempt to discover the father of an illegitimate child nor to require him to share in the burden of child care. This task has no financial value for them. No special attention is paid to the development of character in the woman. Why should there be? The homes are paid to handle the case and there is no need of meddling with the private concern of individuals! Trades and occupations are not taught, and women may be forced to leave the institution utterly helpless to maintain themselves, especially if their former homes are closed to them as is frequently the case. Usually, records of the children are not kept and the tracing of the history of the children is made impossible. Likewise the facts collected about the women are so few that nothing can be accomplished with them. In short, illegitimacy is a problem of tremendous social significance and cannot be adequately handled except by persons animated with lofty social ideals and trained to work out each individual problem in reference to its bearing on the general welfare of society. Women cannot be made moral on a profit basis. Illegitimacy will not decline if commercial agencies are allowed to plan methods of care and control. The question must be approached from the standpoint of public welfare. Then and not until then can we expect to evolve a workable plan for the care of un-

married mothers and illegitimate children and for the prevention of the evil directly.

CHAPTER IV

PHILANTHROPIC AND PUBLIC AGENCIES

Aim of Philanthropic Effort

As our social work is now organized both public and private agencies come in contact with the unmarried mother and her child. In handling this problem the agencies should be guided by the thought that the highest social good rather than individual welfare must result from their efforts. There was a time when the mother received the most consideration. When she was allowed to bring her baby to the cradle tower, deposit it without being seen, ring a bell to inform the attendants of her act, and then depart from the institution with the consciousness that the baby would be cared for, (how she did not know, for most of the babies died), when she was permitted to do all these things, it was supposed that she could return with impunity to her people and her community and begin life anew. The evils that followed this method of operation, however, were most serious and other plans became necessary. Later on the claims of the child received first attention. This occurred gradually as the fact of the innocence of the babies began to dawn upon the public. Accordingly the emphasis was shifted from mother to child and the chief object of consideration in a bastardy case came to be the child. Much of our legislation past and present is based on the theory that the child is the pivot around which circle the other interested parties; and there is no doubt that the mother can be best reclaimed by using the child as means of reformation and that the chief way to reach the father is through the child. While father and mother are individuals inclined to independence, the baby is the foundation of a family and holds parents together. Society has imposed certain disabilities on illegitimate children and these

handicaps may have had a certain amount of justification in the past. Recently, much sentiment has been developing in favor of removing all handicaps and granting to such children total immunity from the sins of their parents. The propaganda is based on the fact of the innocence of the children and the apparent injustice of a vicarious sacrifice on their part. Again, while our sympathy is with the child and we hope that he may not suffer unnecessarily, still the mere innocence of a party does not always obviate freedom from suffering. The attitude which must finally prevail is one which harmonizes best with the advancement of our social and moral welfare. It is to be hoped that innocence will not have to suffer in order to accomplish the highest good, but if it does, then this sacrifice must be borne and the illegitimate child suffer in order that future generations will become more moral and illegitimacy be wiped out. This consummation would represent only one of the many vicarious sacrifices now undergone to accelerate our social progress. All progress is purchased at the cost of some one. It is not clear, however, that any disabilities are necessary to check illegitimacy and we may as well greet the coming of the day when the unjust discriminations of the past will be outlawed and forgotten.

In recent years the attitude of reformers has been deflected somewhat and attention focused on the father. After all, he is at least a co-ordinate, if not the principal or dominant, factor in the problem. Regardless of all solicitation or efforts by women to entice men, the fact remains that all cooperation by men in immorality is entirely voluntary and cannot be the result of physical force, or even of persuasion that does not listen willingly to the voice of the tempter. The essential aggressiveness of masculinity and the physical leadership of man in immorality at once dispel to all thinking people the notion that male responsibility is not equal to that of the female. As the mist of prejudice is gradually dispelled the responsibility of men for sexual offenses will

be enforced, and in the handling of illegitimacy cases men will receive attention commensurate with the share of the burden that they should be obliged to bear. From the standpoint of society as a whole, it seems probable that male responsibility will be enforced with increasing determination, since such a line of attack must seriously affect the reduction of immorality.

In summarizing the discussion of a principle of approach, we must emphasize the fact that in every case of illegitimacy three persons are involved,—father, mother and child—but the policy pursued must subordinate each of these to general considerations of social welfare. Society is composed of men, women and children, but it is also bigger than any man, woman or child and we must do what is best in the long run for society.

From the philanthropic standpoint the care of mothers and children takes one or more of the following forms: hospital care of mother before and during confinement; the separation of mother and baby; the development of a plan to keep mother and child together and make them self-supporting; marriage of mother to putative father; institutional care of subnormal women; support of child by its father.

Municipal Hospitals

According to the statistics the great majority of expectant mothers patronize some institution, either commercial or philanthropic. A group of benevolent institutions have arisen to meet the need of hospital care. Usually the municipal hospital in every large city has a maternity ward which receives poor mothers both married and unmarried, cares for them during the lying-in or confinement period, and for a short time afterward, but not generally more than two or three weeks. Although such hospitals are erected to care for the indigent residents of a city, in actual practice a considerable number of the unmarried mothers are migrants who have entered the city shortly before their application to the

hospital. The lack of a system for returning girls to their home communities and the frequent absence of facilities for their care in such communities are important causes of this condition. Nevertheless, very little attention has been paid by the municipal officials to the question of responsibility for the expenses of confinement and of medical care. Only too often the one service performed by the hospital is care during confinement, so that as soon as she is able to leave the young woman is required to try her fortune in a friendless and unfriendly world. In some instances, however, efforts to deal constructively with the mothers have been made. These efforts consist in bringing about a reconciliation and marriage of the parents in a small number of cases; in the return of mothers to their homes when this is possible and congenial to the women; in finding suitable employment for them so that they may keep and support their babies; and in arranging for separate care of babies when the unwisdom of keeping mother and child together becomes apparent. A serious difficulty confronting a municipal department is the lack of emergency aid funds to equip women for the acceptance of suitable positions; furthermore, the task of follow-up work is so tremendous that little attention is paid to any woman after she has been placed for the first time. The woman with a baby has to find employment where she can minister to the needs of the baby; consequently, domestic service forms the principal variety of work available. The institution has no facilities for training women for useful employment, therefore, the ignorant and untrained girl can not be sent into the best positions, but must accept those of inferior character and often in an unsatisfactory environment where new temptations beset her and contribute to a second lapse from virtue. Formerly, municipalities placed the unmarried mother in the almshouse and in many rural districts this is still the method of public institutional care. So demoralizing is this policy that it is rapidly being abandoned in favor of hospital care, and, when necessary, private institutions or societies

are invoked to carry out the program for the unfortunate women.

Rescue Homes

The private philanthropic institutions are of two varieties, rescue homes and maternity homes. Many rescue homes are operated by religious groups, some of a rather denominational character that rely unduly on so-called "faith" for funds to operate the institutions. These homes usually take girls who are or have been immoral, but do not accept maternity cases. They are not hospitals and if hospital care is needed they will send the girl to an appropriate institution. Should the baby die or be relinquished by the mother, they will gladly continue the work of reform. Although the principal function of a rescue home is to deal with the "fallen women," some of these homes are also engaged in working with the unmarried mother. For example, the Florence Crittenton homes engage in preventive work and among their rescue work include "caring for girls facing unmarried motherhood." Usually these homes are not equipped with hospital facilities but unmarried mothers and their babies are received shortly after the birth of the babies. They endeavor to limit themselves largely to girls who have taken but a single misstep and the hardened prostitute is, therefore, seldom received, while the young girl, ignorant or wayward, forms the chief object of concern. The Chicago home places the average age of the girls cared for at 16. The various homes in the United States are said to care for 5000 girls per year.

The Crittenton homes resemble each other in the general nature of their work and in their rules and discipline. The Home in Chicago may be taken as an example. According to the rules, every girl must, unless because of exceptional conditions, remain in the institution six months or longer. Girls may return when out of work or in need of assistance, but none will be again accepted who have repeated their offense. The work in the Home is done by the girls, and discipline of

a parental character is invoked. The young mothers are expected to keep their babies and all of the girls are encouraged and to some extent trained to become self-supporting. A religious atmosphere pervades the Home, but it is not oppressive and develops in a large proportion of the girls a character capable of withstanding temptation. Employment is found for the girls, or they are sent home or to friends.

The first Crittenton home was founded in 1884-5 and at present there are more than 70 of these institutions in the United States.

Another variety of rescue home is that conducted by the Salvation Army. There are twenty-two of these homes in the United States, all of them under the supervision of the national organization but supported locally.

The heads of these institutions frequently advertise in the newspapers, offering care, a home, and friends to girls who are in trouble. Accordingly, a goodly proportion of the girls patronizing these homes come from outside the city, that is from the country districts or the small towns. In many respects the method employed is similar to that of the Crittenton homes. Usually, however, there is no definitely required length of stay. The institution appeals to the girls from the standpoint of religion, which is very essential in most of the cases; it uses them for the performance of the work in the homes, tries to train the inmates for domestic service, finds employment for as many as possible, reconciles girls to their relatives and former friends if possible, and engages in a mild form of follow-up work. While records are kept they do not usually, if ever, meet the demands of the experienced social worker, who insists on carrying out a program of rehabilitation until assured of permanent success. Speaking of the work of the Salvation Army Rescue Homes in England the Minority Report of the Royal Commission on the Poor Laws says:[38] "We have been much impressed by

[38]See pp. 83-94.

what we have learned from various sources of the invigorating and restorative effect of the treatment of a large number of girl mothers annually dealt with in these Homes, and by the practical wisdom and administrative skill displayed in all the details of their management. We think that the methods adopted in these Homes merit careful study by those who may be responsible for dealing with the problem at the expense of public funds." Surely, a splendid tribute to the work of these homes in England! Were their superintendents better educated and better trained, but filled with the same fervor for humanity and desire to do good the results would be even better than those actually accomplished.

Most of these institutions usually suffer from the handicap of a lack of funds; therefore, they fail to accomplish much that the persons in charge desire. Furthermore, they frequently lack adequate facilities for the industrial training of the girls.

English "rescue homes," of which there are about 300, work chiefly with girl mothers having a first illegitimate child, and keep them from three months to one year. Foster mothers are frequently found and the real mother as soon as possible required to contribute toward the child's support. Meanwhile, an interest in, and love for, the baby is developed.

Maternity Hospitals

The large cities are all provided with a number of private charitable maternity hospitals and homes. The Catholic church usually has a foundling asylum which also admits unmarried mothers. Frequently, there are Protestant hospitals of a similar variety, and, of course, non-sectarian institutions as well. These hospitals and homes, in addition to the public institution or institutions, provide confinement facilities for a large proportion of all the unmarried mothers in a community. The figures for St. Louis show, for example, that in a typical year 59.8 per cent of the mothers passed through these private and municipal hospitals. As is shown elsewhere, the

majority of women have patronized institutions. If the number admitted to commercial maternity homes is deducted, it is probable that more than one-half of all the known cases will still have come under the care and influence of public and philanthropic institutions. In a sense, all of these are social agencies, and, while many of them may not and do not deal constructively with the unmarried mother, there are no inherent reasons why they may not eventually do so. Antiquated methods, lack of social perspective and conservatism of religion, physicians and many social workers, are the causes of failure to attempt the needed rehabilitation of the women cared for. The time will come when every hospital engaging in philanthropic work must establish a live and active social service department which will deal adequately with the problem of the individuals handled.

In actual practice the benevolent institutions differ so widely from each other in character and method of work that no general statements applicable to all can be made. Some of them refuse to admit a woman about to give birth to a second illegitimate child, while others do not discriminate. Nevertheless, the women are usually alert on this point and deny any previous offense, and the records are ordinarily not sufficiently complete to detect the imposture.

Expenses in these institutions are far from uniform, many girls may work for the treatment they receive,—an opportunity frequently sought, especially by the girl forced to seek admission to an institution several months before confinement. Pay patients are charged from five to twenty dollars a week, depending on the class of room and the amount of attention necessary. Several weeks of stay may, therefore, incur a considerable bill. In the majority of cases a delivery fee is charged and this is frequently fixed at $25.00, but occasionally at a higher figure. How far maternity hospitals develop responsibility in unmarried mothers is problematical. Unless girls are encouraged, yes required when possible, to keep their babies and plan to support them little energy is

spent in developing responsibility. Unless a normally minded woman is compelled to bear her share of the burden her character is weakened and she is in danger of ultimate ruin. As for the weakminded girl, her problem is inextricably bound up with the program for the care of the feeble-minded. Very young girls, however, are often so oblivious of the duties and sacredness of motherhood that to force them to try to support and rear their babies is almost criminal. It will not result in character development and probably means neglected infants.

The problem of rehabilitation is an individual one, and each girl needs a separate diagnosis and appropriate treatment. It may be urged, however, that in the majority of cases, mother and child should be kept together.

In view of these facts it is interesting to note that not only the commercial institutions, but many philanthropic ones as well, make provision for the adoption of children. Two of the four private benevolent institutions in St. Louis have fixed charges for adoption, the prices being $50 and $100 respectively. In one year, the former adopted 30 per cent of the children born within its walls.

Frequently these institutions get into communication with the parents or relatives of unfortunate girls and urge them to relent and become reconciled. It is usually difficult to persuade relatives that the best interests of all require the girl to keep her baby and to return either to her home or go out into the world resolved to support her child. So many people think that if the baby can be adopted or taken from its mother that the latter can return to her home community and be promptly restored to her former respectability. In actual practice, this is not true, but people are not easily convinced. Nevertheless, a large number of girls are returned to friends, usually to their old homes, to begin life anew and to receive help in caring for their babies. Unfortunately, even the benevolent institutions have not developed adequate facilities for the training of the girls. Many young women

are utterly unprepared for any occupation or at least for the occupations now available for them. The new conditions frequently require them to abandon their former pursuits and to start a new one which provides the girl with a good environment and adequate oversight by some responsible person, and at the same time insures the possibility of keeping mother and child together. Almost the only training afforded is in domestic service. This field, however, cannot absorb all of the women in need of employment. Consequently, new fields must be discovered and training provided for the new occupations. In some cases a temporary arrangement is possible whereby the mother can board her baby with some private family and follow an occupation for which she has been trained.

A very important part of the work with these unmarried mothers is the supervision given them after they have left the institution. There should be full records of every case and the history of each should be kept up to date until the woman is discharged from care. At least a year of such supervision is necessary and during this time frequent reports should be received and occasional visits made. In no other way will the institutions or hospitals know that the new environment and social conditions of the woman are congenial and uplifting. The work for unmarried mothers has almost no constructive value unless social service departments are organized in every maternity hospital and a program of supervision such as that suggested above is instituted. Few hospitals have as yet established such departments and their work must consequently be considered as decidedly inferior. It means that little or no attempt is made to reach fathers, to press cases in court, to compel paternal support or aid, to develop responsibility in the community from which the woman comes, or to solve the serious problems of aftercare. And the hospitals have a splendid opportunity, for they have under their care for a short time at least, more

than one-half of all the unmarried mothers whose cases are recorded in the large cities.

In this connection may be mentioned the work for unmarried mothers by the Massachusetts State Board of Charity. Massachusetts has a state infirmary to which are annually admitted about one hundred women pregnant for illegitimate children, practically one-half of whom are repeating offenders. The state board through its Committee on Social Service supervises the after-care of the women and children discharged from the state infirmary and has been dealing energetically with the cases coming under its control in various ways, such as returning women to relatives, or to friends, finding positions, deporting alien women, arranging for the commitment of defectives to the proper institutions, initiating proceedings against putative fathers, and even effecting marriage. Owing to the low class of women received at the state institution the task of this committee is peculiarly difficult and the success attained spells the price of diligent endeavor. In 1913 the Board asked the local poor officials to notify it of pregnant girls before sending them to the state infirmary and as a result 82 applications for advice were received. Arrangements were made for the care of 64 girls apart from the state institutions, while the remaining 18 were admitted, they being unacceptable to private societies because of disease or of previous similar offenses. Since then the police, many hospitals and other authorities as well have often referred cases to the Board and out of these necessities the Committee on Social Service has developed a large field of service. After the nation-wide campaign against venereal diseases was begun many diseased girls were accepted at the state infirmary and plans developed for their care and treatment, always with the view of preventing further sex irregularity.

Every free and easy method of escaping the natural consequences of unlawful motherhood has proven socially undesirable since it has increased immorality and illegitimacy. Many modern maternity hospitals have not grasped this fact;

otherwise they would not enable mothers to dispose of or to sell their babies and allow them to return to the world apparently normal moral women. They inform the women that society will never know and need not. Accordingly, babies are taken away or adopted after the fashion of commercial maternity homes. No system by which woman will live a lie before the world can be socially justified. An occasional woman may gain, but women and the world will lose.

On the whole the methods of maternity hospitals and homes, although the motives may be benevolent, are crude and antiquated. Emergency relief is indeed provided, but a complete constructive program which considers the obligations of both father and mother, adequate protection of the child, and the promotion of the highest social welfare is not generally carried out, and consequently little preventive work is accomplished. Under these conditions a refusal to accept a woman pregnant for a second illegitimate child is a travesty on social service.

One reason for this backwardness is the predominance of the medical standpoint which has heretofore considered the physical side principally. The social training of the physician and the insistence of progressive methods by social workers should in the near future result in the establishment of a well-rounded program of effort.

Child Caring Agencies

Besides the hospitals there are a variety of social agencies that deal with the unmarried mother and her child. Chief among these are the so-called child caring agencies, such as children's aid, home-finding and humane societies, as well as agencies for the protection of children from cruelty. Additional agencies often involved are legal aid and charity organization societies. These organizations frequently learn of cases after the women have left the hospital and have, with their babies, become objects of philanthropic care or guidance. They also come in touch with many of the mothers

who are confined in private homes, while occasionally they take charge of pregnant girls that wander into the cities and grope about for some place of refuge. It is probable that only a small proportion of all the cases of illegitimacy are dealt with by these charitable agencies and handled from the social viewpoint. The Boston Conference on Illegitimacy reports that in 1913 out of 858 illegitimate births in that city, the social agencies dealt with 359.[39] Several agencies, however, did not report, but including an estimate of their work it is clear that more than one-half of the unmarried mothers fail to receive any attention from social agencies other than the hospitals and, therefore, are not schooled to a routine of discipline which will reconstruct their moral character and steel them against the temptations and adversities of an unfavorable environment.

The information secured about the 359 cases handled indicates the general inadequacy of the work done. It was shown, for example, that in 173 of the cases the confidential exchange was not used, that in 216 the name of father, and in 147 of the mother, of the girls was not known.[40] The mental conditions of the unmarried mothers were known in less than one-half of the cases, and previous sex history in less than one-fourth. Facts concerning the presence of venereal diseases were procured for 81 of the total number, but knowledge of their educational attainment was almost entirely missing. Some information was secured about the baby, the method of nursing and follow-up work, but here also it was far from complete. Even facts regarding the time that the girl was under supervision were missing for nearly one-half of the cases.

If so little was learned and known about the girl and her baby, is it any wonder that the facts about the father of the child were so meager? In nearly one-third of the cases his

[39]See Studies of the Boston Conference on Illegitimacy, p. 33.
[40]Ibid. pp. 34, 35.

name was not known. This, however, is a creditable showing. Information about his parents, wages, and physical and mental condition was largely lacking, but his conjugal condition was known in approximately two-thirds of the cases. Every effective case worker knows how important are these items of information and how necessary they are to a correct plan of dealing with and caring for baby and mother, and of gaining the co-operation, forced or voluntary, of the father. Nevertheless, the paucity of data concerning these cases makes enlightened treatment almost impossible, for it must be emphasized that each case should be treated separately and according to a program suggested by the diagnosis and history. Nor is it likely that case histories are more satisfactory in other cities than in Boston; probably they are less so.

Nevertheless, workers among the unmarried mothers are now exerting themselves to gain information ample for a program of constructive effort. The principle of investigation is identical with that which determines ordinary case work with individuals or families, but the program of rehabilitation is difficult because of the factors and prejudices involved. In some sections of the country the plan of boarding out the pregnant women has certain possibilities. According to this plan the hospital or physician refers the applicant to the placing-out agency, which finds a private home for the woman until shortly before confinement, when she is sent to the hospital to remain only so long as her physical condition may require. As soon as possible the placing-out agency again assumes charge of the case and disposes of it according to the plan developed. This method of work enables the women to avoid contact with each other and lessens the opportunity for an exchange of experiences. Such contacts must be prevented if the finer instincts still latent in the woman are to remain. Frequently the mother with her child is returned to parents and relatives—a short cut solution of the problem that enables the agency to dismiss the case without

further worry. Usually, however, there is little proof that the case has been wisely disposed of.

More often the plan of care consists in finding a suitable position for the mother and requiring her to support her baby either by caring for it directly or by paying for its care in case it is temporarily placed in the hands of some other persons.

If they gain information sufficient to justify court action, private agencies frequently press suit against the putative father and compel him to contribute toward the support of the child. Usually, however, they are not prepared for so drastic a step or cannot persuade the mother to take action and as a consequence the plan of rehabilitation centers about the mother instead of including both parents. It is entirely fair to say that so far the general plan of our social agencies, whether public or private, has been to place the responsibility on the mother and to give but little concern to the father. The latter has not only been favored by the laws but courts have refused to require him to bear his share of the burden, and private agencies themselves have not insisted so strenuously, as they should, on the duty of paternal support.

The various agencies that place out mothers and babies, including such classes as widows, deserted women and unmarried mothers, therefore, do not vary the program much for these different groups. Perhaps a little greater caution is observed in connection with illegitimacy cases because of the moral problem involved. Otherwise the women are practically treated as though they were deserted wives. There is this difference however: agencies are frequently harsh and unyielding in their treatment of unmarried mothers. The determination that girls shall not repeat their offense results in an inflexible plan often so objectionable to the girls that they revolt and exist as best they can without appeal for charitable aid except from friends and neighbors.

Another reason for the frequent failure of the social agencies to rehabilitate a woman lies in the absence of suit-

able institutions and laws. An important need for successful work is a "mothers' and babies' home," a place where a woman can live and where her baby can be cared for while she is at work during the day. If the two are to remain together this plan often furnishes the only practicable means of gaining this result. Without such a home, the agencies have no propositions to make which a woman will consider, and, therefore, their reconstructive efforts collapse with the frequent result that the woman returns in a year or two with a second illegitimate baby, or joins the ever present body of prostitutes in the city.

Until the last few years no test was made of the mentality of these girls. In fact, very little is attempted at the present time, except in a few public institutions. The agencies, therefore, have not always understood why women would consent to a plan of treatment and then deliberately break their promises. Many of these girls, it is now clear, are weak-minded because of neglected education, disease or inherent defect, and need the care properly accorded to the mentally subnormal. Some of these should be sent to institutions for the feeble-minded, but in no state has adequate provision been made for this class of women and especially for the high grade group of imbeciles or morons who are so dangerous to the community because of their susceptibility to the artifices of deceptive men. Meanwhile, countless agencies are engaged in pecking away at the problem but with little real success for no program can succeed which fails to take into consideration the mental condition of the patient. For example, one such case was spoken of in the following words: "during the last five years at least seventeen private agencies have worked on the case, demands have been made upon two of the county courts and also upon the House of Correction. In the meantime B———— has given birth to two children, neither of which belongs to her legal husband; all of this futile effort because the State of Illinois has no institution for the care of, nor adequate laws for dealing with, its feeble-

minded adults."[41] Were all the facts known it is certain that the record would show that a large proportion of all cases handled or touched did not develop successfully. The fault is not to be ascribed to particular agencies so much as to the general inadequacy of the social and legal machinery to deal with a given situation and this condition is based on the failure to understand fully the various factors involved in the solution of the problem which, as previously stated, are father, mother, child and the community.

Improved Methods of Work

It is clear from the statistics that the amount of illegitimacy in the United States is so large as to present a menacing problem. Accordingly the first duty of the social agencies is to make their case work effective. The recognition of this fact has resulted in the development under the guidance of the federal Children's Bureau of a standard face sheet or information schedule. The use of this card will promote standards among the agencies and foster the procuring of adequate information for the formulation of a well-considered plan of care and control. The weakness of our bastardy laws has made the rehabilitation of an unmarried mother so difficult that intensive case work frequently has not even been attempted. The realization by both state law and social agency that we are dealing not with an unmarried mother and her child but with the problem of illegitimacy is rapidly forcing a more effective handling of the question.

In about twenty cities, notably Boston, Cleveland and Philadelphia, conferences on illegitimacy have been established. Interested persons meet regularly to discuss the question, to increase the efficiency of the organizations which they represent, to perfect their methods of remedial work and to map out a program of constructive and preventive work.

[41]National Conference of Charities and Corrections 1915. pp. 120-1, paper by Herman Newman.

More effective service must begin with the hospitals, since it may be taken for granted that the great majority of prospective mothers will patronize a lying-in hospital. This should be something more than a resting place before and during confinement; it should individualize and give each girl such prenatal instruction and supervision as is necessary, partly because of the effects in lessening still births and deaths in early infancy, partly because of the interest that will be developed in the baby. Prenatal care can be made not only physically advantageous to the mother and her baby, but it should be made as important a moral factor as possible. It should be the first step in a program of keeping mother and child together. In every city will be found a number of girls who do not come to the hospitals. Such girls should, whenever and wherever possible, be placed under the care of the out-patient department of hospitals and given prenatal care and instruction. Special means of discovering such girls should be instituted in order that they may not bear the discomforts of pregnancy without friendly counsel and advice.

When girls are accepted for care by hospitals or benevolent institutions they should at once receive a careful physical examination, be tested for disease and treated if necessary. A similar study of their mental status should be made to ascertain as closely as possible, their inherent capacity and the responsibility which may wisely be imposed on them. It is furthermore desirable that a social history of each case be obtained, and if the hospital expects to handle the case until it is finally disposed of the social history should be complete; that is, it should cover every aspect necessary for the development of an approved plan of dealing with the mother and the child. Some of the information should also be helpful to the public officials in their plan to promote paternal responsibility.

If the mother is not diseased, nor feeble-minded, or for other reasons unable to care properly for the child, measures

should at once be taken to compel her to nurse the baby. The custom of commercial maternity homes to remove the baby so that the mother will not see it and cannot nurse it is vicious and the result is most demoralizing. Let the prenatal work make the mother capable of nursing the baby and then begin systematic education in love for the baby by making the mother perform the usual maternal functions.

Experience has demonstrated the great superiority of the wet-nurse, that is, of breast feeding under ordinary conditions. If the mother cannot nurse the child, a wet-nurse should be procured if possible. Frequently, some woman is able to provide milk for two babies, and in many cases a child may be partly breast-fed and partly bottle-fed, a policy superior to that of a complete substitution of cow's milk. The new ideal prohibits the wholesale feeding of children in foundling asylums with commercial milk or milk substitutes. In the first place, the large asylum housing many children has been proven to be a death trap because of the prevalence of disease, lack of individual care and other disadvantages. In the second place, substitutes for breast-feeding have largely increased infant mortality. Accordingly, many babies are placed in private family homes and nursed by some woman who is a recent mother and who has probably lost her baby owing to causes that would not operate against the infant placed in her charge. The practice of many foundling asylums in boarding infants in this way indicates the strength of the movement, and the tendency to turn foundlings over to placing-out agents is a confirmation of the soundness of this policy. Many illegitimate babies and foundlings (most of these are illegitimate) are weak and physically subnormal and must receive special individual attention instead of being handled in job lots. They must either be cared for separately or in small groups, which will make individualization possible.

While at the hospital or maternity home the mother should be prepared for such disposition as is to be made of

her. If she can be returned to her old home the way should be opened by bringing about the reconciliation of the parents and the girl. It is often possible to present the matter to irate parents in such a way as to compel them to recognize their function in a plan for the rehabilitation of their daughter. Frequently, only the bravest girls dare return home and for many other provision must be made. The girl incapable of entering some remunerative occupation needs to be taught so that she may become self-supporting. Then, if she is mentally normal, a situation should be found where she can support her baby directly, either by keeping the baby with her or paying for its board. The former method is the better one, but outside of domestic service few occupations lend themselves to this arrangement. Unmarried mothers need to be placed most carefully in order that they may not again be tempted or yield to the persuasion of that class of men who may be seeking to destroy them.

Greater efforts should be made to reconcile the man and woman. At present a very large proportion of the mothers are girls who expected to marry the fathers of their children and who yielded their bodies in a moment of trustfulness and perhaps forgetfulness. Probably, the man in many cases definitely promised to marry the girl at once if unsought-for consequences should occur; but with the discovery of pregnancy his ardor declined and presently he rejected all compromise until forced to action by law. There is no doubt that a large number of men can be brought to see that guilt hangs heavy on their shoulders, that marriage is but a small recompense for their sin and that they owe to the woman and the child the duty of making the lot of the latter as hopeful as possible. The man who has all but ruined a woman should be big enough to give her his name and legitimate his child. Many marriages result happily and in numerous cases marriage is preferable to other methods of disposition even though the parents never live together, but are divorced within a short time. Nevertheless, there are countless instances where

marriage only aggravates an evil and ought therefore, be prevented. In such cases, financial responsibility is the chief objective to be sought and to be imposed on the man. It is wrong to consider marriage a general remedy. Too often the result is a life of hopeless incompatibility. No doubt this situation will be improved when the status of illegitimacy is abandoned and every man becomes morally and economically responsible for his children whether born in lawful wedlock or not.

Often the plan of rehabilitation fails and a woman has a second illegitimate child. The rule of certain institutions not to accept such women must be sufficiently modified to make ample accommodations possible. Private institutions should proceed slowly in rejecting repeaters. The nature of the case rather than the number of offenses should determine their eligibility to the hospital. In no case should the lines be drawn so rigidly that a woman of this type cannot gain hospital facilities, but be compelled to turn to private commercial homes when the need of enlightened care and of a progressive program is so great. There is no doubt that many institutions, if they had carried out a sensible and constructive program for an unmarried mother would not be compelled to endure the humiliation of listening to her request for re-admission for a second confinement. She could have been reclaimed and adjusted to normal life. The repeater cannot be rejected and abandoned to unsympathetic routine workers. The more serious the case the greater the need and more vigorous the energy required to reclaim her.

The agencies dealing with such women should arrange to divide the work so that if circumstances force some organizations to limit themselves to women with a first illegitimate child, all cases, whether promising or unpromising, may be given the maximum of profitable constructive care. Frequently, if not usually, the mother of two illegitimate children is feeble-minded or otherwise abnormal and therefore in need of a special form of care. Social agencies cannot afford to

insist that such women keep their babies. In fact no set principle on this point can be established. The feeble-minded mother is generally unable to care properly for her child and the only right and merciful procedure when the fact appears is to separate them and to treat each according to the need. In a similar way the very young girl may be an entirely incompetent mother and in many cases should not be burdened with the task of caring for her child.

To accomplish good results no effort with those responsible for an illegitimate child will be more effective than vigorous action against the putative father. In the great majority of cases the identity of the man is fairly well known, but heretofore the courts have been singularly obdurate in designating him. The legal obstacles that prevent unmarried mothers from making a case, and the unsocial judges that give the man every opportunity for escape must be eliminated and better laws and progressive judges substituted. No social agency whether private or publicly controlled does its full duty unless it makes every reasonable effort to gain some financial responsibility for the child from its putative father. Nothing will make men respect the virtue of young women so much as the consciousness that an overt act of immorality will inevitably prove a costly experiment. The American social worker has hardly begun to recognize the possibilities of the legal control of illegitimacy. Furthermore, our one-sided laws and abominable court procedure deter hundreds of women from entering the courtroom. Rather would they suffer alone and undergo whatever consequences fate will award them. No confidence in society can be restored in any woman who finds that she alone must bear a burden, the existence of which is partly, if not largely, due to a more economically capable individual. Effective case work must lead eventually to a thorough-going system of laws and public administration dealing with the problem of illegitimacy in all its aspects.

In conclusion it should be emphasized that in the treat-

ment of illegitimacy many existing and preconceived notions must be abandoned, an individualized plan of treatment must be found and executed and the whole fitted into a wise program of preventive effort. Unless those dealing with illegitimacy carefully study its causes and observe the effects of the treatment given they will not be able to outline any comprehensive plans for the youth of the land, which will definitely reduce the evil of sex irregularity.

CHAPTER V

THE OUTCOME FOR THE CHILD

An interesting question for the statistician and the practical social worker is, what are the chances and opportunities of the illegitimate child? What becomes of him if he survives birth and actually starts along the road of life? A correct answer, if it could be attained, would be most illuminating and helpful in reconstructing our program of remedial effort. Some facts, however, have been gradually ascertained, especially such as relate to viability, vitality, criminality and mental capacity. Other information is rather fragmentary and incomplete, nevertheless suggestive and helpful.

Still Births

In the first place, illegitimacy vitally affects the still birth rate. In the following table are presented summarized facts covering various localities both in this country and elsewhere and showing the difference in proportion of still births between legitimate and illegitimate cases.[42]

[42]Table based on figures from statistical reports, special investigations and U. S. Report on Birth Statistics, 1918.

STILL BIRTHS

Locality	Year	Percent of still births among: Total births	Legitimate births	Illegitimate births
Bavaria	1910	2.7	2.6	3.3
Munich	1910	3.8	3.4	4.8
Baden	1895	....	2.7	3.4
Ohio	1909	2.2	2.1	4.9
Boston	1913	....	....	5.2
Cincinnati	1912-14	....	....	7.5(white)
Cincinnati	1912-14	....	....	16.0(negro)
U. S. Birth Registration* Area	1918	4.0	3.9	9.0
White		....	3.7	7.3
Colored		....	7.5	11.9

*Figures for United States represent proportion of still births to live births.

The foregoing figures indicate that in the localities designated from two to four per cent of all births are still born. In every case also, the proportion of still births is less among legitimate births than among the illegitimate. The city of Munich presents a rate that is higher for each group than the average for all Bavaria, and the percentage of increase among the illegitimate as compared with the legitimate is also greater. In Ohio, the rate is more than twice as high among the former than the latter; in St. Louis also the proportions are about two to one. The following figures, approaching the problem from a slightly different angle, indicate similar results: In Washington, D. C., while the percentage of all births in 1911 that was illegitimate was 9.7, the percentage of still births that was illegitimate was 19.5, or more than twice as high. In Baden in 1905, the comparative figures were 7.1 and 9.2 per cent. This difference, however, is much

less than that apparently prevailing in the other localities mentioned.

The wide differences between the rate of still births among illegitimate and legitimate births have not been adequately explained. One cause is the greater tendency to still births among the first-born. Since nearly all illegitimate births are first births while among the legitimate only about one-fourth are first births, we should expect a much higher still-birth rate among the former. Were a fair comparison of first births possible, then the disproportion would probably be much less than the above figures indicate. Nevertheless, considerable differences would remain. No doubt, the fact of unwanted motherhood is a prominent cause of the excessive proportion of still births among the illegitimate births. Only too often, the women cannot afford to rest or even prepare themselves before confinement. Hard work, ignorance, shame, lack of medical care, a cast-off condition, and similar causes—all tend to undermine the physique and vigor of the helpless women, and as a natural result, a larger proportion of babies are still-born. It frequently is true, also, that the women do not object to this disposition of their troubles and take steps which lead to the death of the foetus. Probably attempts to procure abortion frequently lead to still births.

A factor worthy of special mention is disease. Many of the women contract social disease from their male companions, and still births often follow. No statistics are available to determine the proportion of unmarried mothers who are suffering from syphilis, but hospital records indicate that it is a considerable percentage, no doubt much greater than in the community at large. An excessive number of still births is, therefore, inevitable. So unnatural and abnormal are the prenatal conditions and influences surrounding the mother that a sound, healthy babyhood can hardly be expected. If proper prenatal care of married mothers greatly reduces the number of still births, as experience shows, then surely the aggravation of the difficult conditions that attend pregnancy,

among the unmarried mothers, will produce a high still-birth rate.

Infant Mortality

A second abnormality consists in the excessive rate of mortality among illegitimate babies. This condition is almost universal, the only known exceptions occurring when certain standards of hospital care have been obtained. The following European statistics illustrate the general comparisons and serve as examples of others.[43]

DEATHS PER 1000 BIRTHS

Locality and Age	Legitimate	Illegitimate	Proportion of Illegitimate to 100 legitimate
Germany (1910)			
0-1 year	182	299	164
England and Wales (1915)			
0-1 month	36.4	69.2	190
Urban	36.6	70.7	193
Rural	35.5	63.6	179
1-3 months	17.9	42.1	235
3-6 months	18.0	41.5	230
9-12 months	16.2	21.9	135
0-12 months	105.3	203.3	193
Urban	109.9	217.7	198
Rural	86.6	151.4	178
0-1 week (1911)	2.3	4.2	180
Urban	2.3	4.3	183
Rural	2.2	3.5	154

A glance at the table given above shows that among illegitimate children the infant mortality is from 35 to 135 per cent

[43](Statistical Yearbook of Germany, 1910 & 1913; also 78th Annual Report of Registrar General of Births, Deaths and Marriages in England and Wales. An able discussion of the relation of illegitimacy to infant mortality is found in the Children's Bureau Report on Illegitimacy as a Child Welfare Problem.

higher than among the legitimate. The disproportion in England is apparently greater than in Germany, a fact no doubt due in part to the greater urbanization in the former country, and to the high mortality rates prevailing in Germany among legitimate children. In England, as the details show, the conditions of illegitimate children are relatively more favorable in the rural than in the urban districts, and the chances of life are proportionately better during the first week than any later time during the first year. The statistics also show that the heaviest relative loss is during the second and third months, the proportionate mortality being computed at 235. At this time it is considerably higher for males than for females. The smallest disproportions occur in the last quarter of the year when the comparative death rate is about 35 per cent higher among the illegitimate children than the rest. This gain is largely due to the excessive elimination of babies during the preceding months. The low rates in the country districts are due to the superior care given to the illegitimate child in the rural sections. Here we find that not only is the death rate for all babies lower, but illegitimacy does not interfere so much as it does in the city with devoted maternal care. These facts relate to conditions before the great war and represent normal relationships such as have not yet been attained since peace was established.

There are few American statistics on the relative death rates among legitimate and illegitimate children. The figures by the Federal Children's Bureau for Johnstown, Pennsylvania, show an infant rate of 281.3 per 1000 for the illegitimate as compared with 130.7 for the legitimate, but the number of cases is very small. The investigation made in Boston also discloses a higher rate, but the statistics are incomplete and exact comparisons cannot be made. Cincinnati in 1912 reported an illegitimate infant mortality more than twice that of the legitimate—20.9 per cent compared to 10.3 per cent.

It is difficult to understand why illegitimate children do not suffer more proportionally during the first month than

during the second and third. Perhaps the hospital care which so large a proportion of these babies receive is one cause of this condition but other reasons undoubtedly operate. On the other hand, the baby of nine months or more has passed the most dangerous months of life and the illegitimate child no longer suffers from such serious disadvantages as operated before. It is clear, however, that throughout the year the illegitimate child suffers relatively. He receives inferior care, being frequently, if not usually, in incompetent hands or living under unfavorable conditions, and his heredity is, on the whole, of mediocre character.

English statistics also throw light on the relative mortality from certain diseases. These facts are shown in the following table:[44]

MORTALITY OF ILLEGITIMATE INFANTS (1915) COMPARED WITH LEGITIMATE

	Proportion of illegitimate to 100 legitimate	
Disease	Males	Females
Atrophy, Debility, etc.	284	252
Premature Birth	174	168
Whooping Cough	115	85
Diarrhea and Enteritis	226	232
Tuberculous Diseases	174	181
Syphilis	652	939
All diseases	190	197

The most striking fact indicated in this table is the relative death rate from syphilis. To be sure the tendency to call the disease by its right name is greater in the case of the illegitimate children than of others; nevertheless, a proportion of 9 to 1 clearly shows that a large number of unmarried mothers are physically diseased and that the unfortunate babes must pay the penalty.

[44]78th Annual Report of Registrar General of Births, Deaths & Marriages in England & Wales.

An analysis of the deaths from syphilis shows that the disproportions vary but little from country to town. It is quite apparent that everywhere a large number of unmarried mothers are afflicted with the disease. Confirmatory in a feeble way are the recent statements made by the Massachusetts State Board of Charity, according to which out of 18 babies dying at the state infirmary in 1913, eleven suffered from congenital syphilis and out of 30 dying in 1914, six were similarly affected. One-third of the deaths for the two years are, therefore, charged against this disease.

The heavy death rate from diseases of early infancy depends largely on the abnormal gestational condition of the mother. The child has not developed under the best physical environment and this interference with its natural development leaves its mark in subnormal physique and mentality. Recent prenatal work has proven the effectiveness of effort with prospective mothers.

That much of the high mortality from diseases of early infancy is avoidable has been amply demonstrated but the unmarried mother can with difficulty be brought into a state of mind and of body which will radically reduce the death rate from this group of diseases.

Illegitimate children suffer from inferior methods of feeding. Many are separated from their mothers, so that, instead of being nursed directly, an excessive proportion are fed on animal milk or milk substitutes. The bad effects of this condition are well known as nothing can take the place of maternal nursing. The substitute foods are largely responsible for the high rate of mortality from the diseases of the digestive system. Such foods are generally used in hospitals and foundling asylums, although wet-nurses are gradually being introduced. Probably a large proportion of the heavy mortality among illegitimate children results from the serious consequences of the unnatural methods of institutional care. As statistics have abundantly shown, babies in private homes, even the wretched and degraded homes of our slums, have a

lower death rate than that obtaining in most institutions that care for babies. This fact applies to both legitimate and illegitimate children. But only a small proportion of the former receive institutional care, while a majority of the illegtimate children are born in institutions. The death rate of the latter is, therefore, profoundly affected by this fact, while it is hardly colored for legitimate children. Were there no other causes for differences in the proportions this cause alone would produce wide discrepancies between the rates of the two groups. The lower rate in the rural districts is, no doubt, due in part to the greater tendency to care for the illegitimate child directly in the home.

English statistics indicate that institutions may cause as much havoc among one group as among the other. In workhouses outside of London the infant mortality was actually lower among the illegitimate than among the legitimate children. In both cases, however, the rate was more than double the normal rate for all England. In the London workhouses, on the other hand, the illegitimate children suffered the higher rate. The Minority Report of the Royal Commission on the Poor Laws says in this connection:[45] "The variations in this respect as between the different ages, whether in London or elsewhere, are apparently quite without connection with illegitimacy." If similar treatment is given, the results apparently do not differ widely. The illegitimate child, however, suffering from institutional care, has a chance much inferior to that of the legitimate child with the advantages of home care.

Considering the statistics of social disease as represented above, it is significant to note that the proportionate death rates in institutions have not been materially affected hereby. It must be overlooked, however, that these diseases are widely prevalent among classes that patronize the public institutions. As to innate physical inferiority, little evidence has

[45]Page 85.

as yet been collected to show that the illegitimate child suffers in this respect. The differences which exist are largely explained by the unsatisfactory environment in which the unmarried mother and her child are usually required to live, hours of labor, quantity and quality of food, recreational opportunities and mental unrest being the principal factors involved. The greater incapacity of men of illegitimate origin for military service and their inability to meet the tests must be credited chiefly to the unfavorable and precarious circumstances of their lives.

The social and mental status of the mother is an important condition of the problem and profoundly affects the rate of mortality. Among the ignorant the rate is high even for legitimate children and as the majority of illegitimate children are born of ignorant mothers, high rates among this class should be expected. Few figures are available to indicate the relation of these conditions to the general level of mortality, but English statistics throw some light on the problem. The following figures for the year 1911 compare death rates among the illegitimate children of mothers engaged in nineteen occupations or groups of occupations:[46]

[46] 73d Annual Report of the Registrar General of Births and Deaths.

DEATHS UNDER ONE PER 1000 OF ILLEGITIMATE CHILDREN ACCORDING TO OCCUPATION OF MOTHER—ENGLAND & WALES, 1911

Occupation of Mother	Number
Costermonger, Hawker	325
Cotton factory worker	301
Barmaid	287
Wool, Worsted Manufacturing	286
Metal, Machine, Implement worker	271
Charwoman	266
Unoccupied, no occupation, or not stated	264
Other textile employ	263
Tailoress	258
Laundry, Washwoman	246
Waitress	234
Farm Labor	234
Domestic Servant	231
Dressmaker	192
Teacher	190
Shop-keeper, shop assistant	168
Commercial clerk	148
All other occupations	345
All occupations	245

Rather remarkable differences are displayed in the foregoing statistics, with costermongers and commercial clerks representing the extremes. The variations are not amenable to easy explanation, since many factors must enter to produce the results. Ignorance and dissipation, no doubt, are causes of the high rates, while intelligence, wet-nursing and proper care account partly for the lower rates among the babies of clerks, school teachers, shopkeepers, etc. Various causes of undetermined weight, however, complicate the problem and prevent hasty generalizations.

A considerable proportion of the illegitimate children gravitate to the foundling asylums. The death rates formerly prevailing in these institutions were so high that almost the entire infant population was eventually wiped out. In recent

years tremendous improvements have been made; nevertheless, death rates of from 40 to 50 per cent still prevail in some of the asylums. Rates have been materially lowered whenever wet-nursing and temporary family care have been instituted. In New York City a large number of babies are being nursed in private homes by poor mothers and yet under conditions infinitely superior to those formerly prevailing in the asylums. In 1913 the New York Foundling Asylum had 1457 children, a large proportion of whom were illegitimate, in boarding homes. There the younger ones were cared for by wet-nurses, that is, by mothers who were able to nurse these babies directly and care for them. By providing a baby with individual care in a home and supervising it in that home several institutions have greatly reduced their death rate. This reduction means a gratifying decrease in the number of deaths of illegitimate children.

Dependency

A large number of illegitimate children are from the very beginning under the care of philanthropic agencies. The mothers have been forced into dependency and the children naturally begin life under serious economic handicaps. An excessive rate of dependency among such children must therefore be expected. The high mortality will however, somewhat reduce the disproportions. The child-caring institutions and societies of the state of New York illustrate the conditions that may be expected. Out of 35,138 children in their care June 30, 1917, 29,860 or 85 per cent were foundlings, illegitimate children, or those regarding whose parents nothing was known. Of course practically the entire number are illegitimate. Out of 10,678 children committed to institutions during the year, 1381 or 13 per cent were foundlings, illegitimate or of unknown parentage.[47] According to the

[47]Fifty-first Annual Report of the New York State Board of Charities—pp. 100-106.

estimate of the volume of illegitimacy in the United States these figures show that an undue proportion of illegitimate children drift into the hands of the child-caring agencies. On the other hand, a study by the Missouri School of Social Economy of 1000 neglected children appearing in the Juvenile Court of St. Louis indicates that while the great majority came from broken homes and had disreputable or incompetent parents, the number of children known to be illegitimate was only 48, or less than five per cent of the total, a proportion which probably does not exceed the percentage of illegitimacy among the classes from which the neglected children are largely drawn. However the causes of neglect differ from those of dependency and illegitimacy may be a relatively minor factor.

What becomes of the baby of a well-to-do mother? This is a question that can receive no definite statistical answer. That many girls solve their problem by marriage is true. That many patronize the commercial maternity homes or exclusive and high priced sanitariums which receive such girls is also well-known. Their desire to be liberated from the bonds of child care and from the objective evidence of a previous sin impels many to give up their babies and allow them to be placed out for adoption. There is no doubt that poor mothers maintain and keep with them a much larger proportion of babies than do the wealthy. The program of constructive philanthropy has enjoyed some success with the poor but has hardly touched the well-to-do. Furthermore, the difficulties are greater. Many respectable men cannot retain their positions if the public knows that their daughters have sinned. The disgrace affects not only the girl directly but threatens to ruin her parents. And if they escape ostracism the lot of the child becomes exceedingly difficult, especially if it is a girl.

In order to meet conditions such as these, "sanitaria" or expensive maternity homes have been established in various places. Almost without exception the girls coming to these

homes expect to relinquish their children and to return home "cured" and in good spirits. Devoted and well-wishing as the heads of such institutions may be their remedy for the evil is, after all, one that absolves women and men from responsibility for their action and that fails to give adequate assurance that illegitimacy will be reduced thereby. However, we also find public sanction for such a course as is evidenced, for example, by the Massachusetts law for the protection of infants according to which the mother of an illegitimate child under two years of age, who is a resident of the state and who has previously borne a good character, may, with the consent of the state board of charity, give up her baby to the board for adoption. The illegitimate daughter of a well-to-do woman has a most unenviable future unless she can be adopted into some foster home. Here she can practically gain the standing and respect accorded to a natural daughter and excellent prospects may lie before her. Nevertheless, this fact does not justify the adoption of the principle that mother and daughter should be separated. It does indicate the difficulties that are now encountered and partially explains the psychology of the mother and her parents. It represents a condition that must be faced squarely with due regard for the sentiments of the family and the permanent interests of society.

There is very little exact information concerning the fate of the child of the average unmarried mother. The strenuous efforts of social agencies to keep mother and child together have largely resulted in failure. Among the reasons for this result are failure to obtain means of support from the father, premature placing of mother and child in family or home, lack of adequate follow-up system, the indifference of relatives, an inadequate mothers' pension law, arbitrary plans for the mother and inattention to the problem of her social readjustment. The actual situation in regard to the home care of illegitimate children is illustrated by the figures presented

for Cincinnati by Miss Helen Trounstine.[48] These figures show that out of 666 children 14.8 per cent were in the care of their mothers but many babies had died and if living babies alone were considered the proportion would be twenty-one. Apparently the great majority of illegitimate children have been separated from their mothers. Furthermore the proportion is much larger among the white than the colored population. No doubt the greater gravity of illegitimacy among the white group accounts in part for this condition. In a few cases the white mothers boarded their children or placed them with relatives and had not wholly abandoned them. In this connection again the rate for colored women was much higher.

The Christian Service League of Kansas also submits some interesting facts relative to this problem. Out of 285 mothers coming under its care only 67 kept their babies for a considerable period of time and of these only five retained them until the children arrived at school age. The superintendent of the League claims that the mothers are not with the children enough to develop the mother spirit and eventually most unmarried mothers become permanently separated from their children. Many women give their babies away or abandon them. A considerable number of these are eventually adopted or placed in foster homes.

The Massachusetts State Board of Charity presented data in 1918 relating to fifty girls under its supervision for periods varying from three to five years. These girls represent selected cases in the sense that those whose babies died under three are not included in the tabulation. Sixteen married but only three the father of the child. Twenty-three of the children are regularly with their mothers and of the twenty-six boarded the mothers contribute to the support in twenty cases. One of the tragedies observed is the lack of interest by relatives, only fifteen out of 50 groups of relatives

[48]Trounstine, Helen S. Illegitimacy in Cincinnati.—p. 229.

manifesting any concern. The girls have been forced to rely largely on the kindness of strangers; nevertheless most of them became self-supporting. Only three of the children were classified as subnormal and the health of 38 was rated "good."[49]

Discrimination Against Bastards

The general character of persons of illegitimate parentage has received but little attention. It is well known that a considerable number of men famous in politics, art, science and letters were of illegitimate origin, but the number of such women is comparatively small. How far individuals are actually handicapped because of unlawful ancestry cannot be definitely stated and perhaps only guessed at. However the attitude of society is becoming increasingly hopeful in this respect as is evidenced by the tabulations of the Boston Conference on Illegitimacy according to which the attitude of a given number of women's club officers, physicians, lawyers, overseers of the poor, and manufacturers was represented as follows:[50]

DISCRIMINATION AGAINST BASTARDS

Attitude	Yes	No	Doubtful, Conditional etc.	Total
Willing to employ illegitimate child	428	5	48	481
Would not discriminate against illegitimate child	402	11	68	481
Would vote for persons of illegitimate parentage	401	16	64	481

If these answers express the genuine convictions of the

[49]Massachusetts State Board of Charity. 40th Annual Report of, (1918)—pp. 121-124.

[50]Report, p. 15.

individual interviewed then more than four-fifths of the social classes represented would not discriminate against a person of illegitimate parentage. As soon as this hopeful state of mind can be realized in actual life, better opportunities for the illegitimate child will develop. In some respects it is unfortunate that the economic welfare of the child is largely bound up with the prospects of the mother. As may be expected, a majority of the answers to the questionnaire referred to above showed a prejudice against the mothers and a large majority were hostile to the fathers. In fact the general attitude toward the father is much more unfriendly than that towards the mother, an indication that society believes that the major portion of the moral blame rests on the man. Naturally, children living with their mother must share her trials and difficulties even though society holds them blameless. On the other hand, often a mother marries a man other than the father of her child and for such a child the social advantages are quite as good as if its own parents had intermarried and legitimated their offspring. In the United States a very small proportion of the illegitimate children gain a right to their father's name, in England there are none, but in parts of Continental Europe, where inquiry into paternity is legal, thirty per cent of the children are legitimated within a period of five years. Nevertheless, the rate of illegitimacy is so high that a large proportion of children never acquire the right to use their father's name.

Criminality

Since the illegitimate child is usually a member of an incomplete family and its mother is often the victim of opprobrium, we may naturally expect such children to deviate somewhat from the normal. Their environment often conduces directly to immorality. Drähms claims that out of 4838 male juvenile delinquents in French reformatories in 1896, only 517 were of legitimate birth, and 4321 or 89.34 per cent, or nearly nine-tenths were illegitimate. The number of de-

linquent girls was 1095 and of these 246 were legitimate and 849 or 77.53 per cent were illegitimate.[51] In France about 10 per cent of all births are illegitimate, but owing to an excessive death rate the proportion of all juveniles who are illegitimate is much less. Consequently, it appears that the illegitimate furnish at least 8 or 9 times as many delinquent children as their proportion in the population. In one respect, however, these figures are surprising. The tendency towards crime among the illegitimate boys seems to be greater than that among the girls. The feeble chances of the girls naturally lead to abnormal living, and eventually to criminal habits; accordingly a higher proportion might be expected among them.

Sigmund Engel, in discussing criminality among persons of illegitimate parentage says, "there is not a single civilized country in which we fail to find that the average criminality rate of illegitimate children is considerably higher than the average criminality rate of the legitimate."[52] He says further that this difference applies to the number of offenses committed per person and to each punishable offense; also that among recidivists the influence is particularly marked. American statistics showing the relation of illegitimacy to crime are not available, but lack of opportunity undoubtedly operates here as elsewhere.

Borosini says that several European countries show an excess of illegitimate persons among the prisoners, especially the minor offenders. He also adds that at one time over 75 per cent of the prostitutes in Berlin were illegitimate and that out of a group of delinquent girls in Munich, one-third were of illegitimate origin. The American figures deal particularly with the relation of broken or incomplete homes to criminality and delinquency. That the absence of the father or the mother or of both parents profoundly affects the rate of delinquency is clearly shown. The major causes of crim-

[51]Drähms, August—"The Criminal," p. 285.

[52]"Elements of Child Protection," p. 97.

inality all operate upon the illegitimate child with greater intensity than they do upon the children shielded by a normal home.

Mentality

In estimating the general mentality of persons of illegitimate birth we must keep in mind the majority of such persons and not the exceptional ones. It is true that a few brilliant men have come from an unsanctioned mating and may have been children of a natural and untrammeled love. Society, however, is principally concerned with the level of mentality that prevails among the illegitimate. Here again, statistics are largely wanting; nevertheless, the question almost carries its own answer. A large proportion of the mothers are either feeble-minded or mentally on the border-line. That a considerable amount of this subnormality is hereditary has been shown by such men as Goddard, Davenport, Tredgold and others. Even assuming that the mentality of the fathers is of a distinctly creditable grade, it necessarily follows that illegitimate children on the whole inherit a more feeble mentality than the average for the community as a whole. There can be no doubt that an excessive proportion of the feeble-minded are illegitimate. Since weak-mindedness is largely inherited and leads to lack of will power many illegitimate births among the feeble-minded are to be expected. Social disease also co-operates with heredity to break down mentality.

The high death rate from syphilis among illegitimate children indicates the abnormal physical conditions with which these children must cope. The effect is expressed also among the children who survive, among many of whom it takes the form of physical weakness, deformity, and mental dullness, if not feeble-mindedness.

In spite of the handicaps which may be detailed to show the disadvantages from which the illegitimate child labors, we cannot but feel that, with the exception of feeble-mindedness these handicaps depend very largely on society's discrim-

ination against him, on the harshness of her program and on the failure of parents to carry out their moral obligations to their children. Lack of care and of opportunity are not inherent and the community can right the wrong done to innocent children by treating them fairly and justly and by refusing to stigmatize them for the sins of others. What becomes of the illegitimate child is not a question with a fated answer.

The normal child, when once it receives justice, will enjoy with the legitimate child the opportunity for right and normal living. There will be little reason for its being less successful economically and socially than if it had been born in lawful wedlock.

The feeble-minded child, however, has no future and unless protected or properly isolated will in turn become the parent of illegitimate feeble-minded children.

CHAPTER VI

AGE OF CONSENT

Age of Moral Responsibility

Within a comparatively few years the legal responsibility of children for their actions and conduct has been revolutionized. The child is no longer considered a man or a woman, but a mentally and morally immature person who should be treated as such. Physiology tells us of his physical immaturity; psychology performs the same office for his mentality and both enable us to deal more intelligently than heretofore with the irresponsibility of childhood and youth.

The history of the world is replete with amazing illustrations of burdens thrust upon, and privileges granted to, immature children. The old Saxon law and its successor, English law, which form the basis of American jurisprudence, were less harsh than the rules of the Orient, but even these were brutal in their disregard of human nature. The age of discretion was fixed at fourteen for boys and twelve for girls. At seven the girl could consent to matrimony and fathers had the right to bring marriages about, but at twelve she was privileged to ratify or annul her consent.

Children of an early age were regarded as normally culpable for acts committed. It was held that, while a child of seven could not be guilty of a felony, a child of eight could be charged with the commitment of a serious crime and be convicted therefor. In the 17th century a boy of eight set fire to two barns. He was apprehended, tried, convicted and sentenced to be hanged; and he was hanged. English history also tells us of a girl of 13 who killed her mistress and who was burned to death for the offense. The tenderness of youth received but scant consideration and the acts of chil-

dren like those of adults, were visited with swift and cruel forms of punishment.

Barbarous as it may seem to us today, ten years was the accepted age of consent according to common law. Any male having carnal knowledge of a female under ten years of age with or without her consent was guilty of rape and punishable accordingly. If the female was ten years or over and she consented to immoral relations, no crime was committed. The law therefore assumed that a girl of ten had sufficient knowledge and adequate appreciation of the meaning of sex relations to relieve any seducing male of a charge of crime.

Since the age of discretion was fixed at twelve some confusion developed in regard to the exact age of consent, and in order to avoid further misapprehension, a law was passed during the reign of Queen Elizabeth, according to which ten years was established as the age of consent, and carnal knowledge of any female under this age, although she may have freely consented, was made a felony. The English law, carried to the United States, included this traditional and statutory age of consent; consequently, practically every American state formerly fixed the age at ten years. Delaware, however, enacted a definite statute fixing the age at seven years. Moral discretion and knowledge of the meaning and consequences of sex relations at seven years! Can any travesty on justice perform a more brutal offense? On the whole, in the different states of the Union, a female of ten was presumed to be incapable of consenting to sexual intercourse, but this presumption was rebuttable as is shown in the following extract from a decision in 1867 by the Ohio Supreme Court, relative to the right to charge a boy of fifteen, who had carnal knowledge of a girl of eight, with assault.

"Some age must be fixed upon below which no child would be deemed capable of giving that intelligent consent which would, in the eyes of just people, be any excuse or even mitigation of an act of carnal knowledge beyond what would exist were it actually against the will of the child. Ten

years is, perhaps, as safe as any age that can be fixed upon.

"The testimony satisfies us that she, (the injured girl), had quite intelligence enough and knowledge enough to understand substantially the nature of the act attempted and to render her actual consent inconsistent with the legal idea of an assault."[53]

Is it any wonder that, with philosophy prevailing such as the above, women began to rebel against the outrages perpetrated upon their sex? It is inconceivable, how, in the face of the teachings of modern psychology, so ridiculous a position could be held. Ten years "as safe as any age" for an age of consent! A girl of eight able to understand substantially the nature of the act committed. Such absurdity needs no comment. Nevertheless, it was this point of view which prevented the advent of age of consent laws that have harmonized with the conditions of modern society.

The determination of a proper age of consent depends on several considerations. Any age below puberty ignores the physical immaturity of the female and never could have had any justification even in the days of common law. The approximate age of puberty is twelve years, two more than the traditional age of consent. Puberty, however, does not signify physical maturity. It merely represents the first stage of this development. After this period the sex impulse begins to assert itself and consent to carnal knowledge may imply the desire to gain sexual gratification.

The second consideration relates to knowledge of the consequences of sex irregularity. That a girl under the age of puberty can have full knowledge in this respect is unthinkable. She may know a few superficial facts, but a deep measure of knowledge is impossible. Furthermore, several additional years of life do not adequately broaden that knowledge so that the choice of immorality is accompanied with an accurate estimate of the pain and sorrow that may be involved.

[53]17 Ohio State Reports. 518-19.

And as far as physical suffering is involved a girl or woman who has never borne a child, has but little idea of the nature of the suffering that must be endured.

Closely allied to the second factor is the moral responsibility of the girl. At what age should the full consequences of a moral lapse be thrust upon the young woman? What is the proper age of discretion in relation to sex habits? The juvenile court age has been raised to 16 or 17 years and in a few cases to 18. This implies that girls under this age are not considered fully accountable for their acts, and are victims, in part at least, of unfavorable external conditions. Would 18 years then represent a proper age limit to be established in our age of consent laws? Many girls who become mothers of illegitimate children are morons and mentally and morally unable to decide problems wisely for themselves. They will never arrive at the point of mature judgment and should, therefore, be protected. A scientific age of consent law must consider mental as well as physiological age. A definite age limit without qualifications for the mentally subnormal leaves the immature girl at the mercy of unscrupulous men.

It is also unfair to throw full responsibility on a girl who lacks legal and industrial power and capacity. A female becomes of age at 18 and until that time cannot expect to possess the earning power of an adult woman wage earner. In the eyes of the law she is an "infant." Is it fair to make her entirely accountable for her moral actions when her rights are otherwise so limited? Is it not true that the discrimination which compels a girl to carry full moral responsibility for one of the most serious of human acts but holds her mentally incapable of mature judgment in regard to other matter lacks scientific basis and indicates the influence of prejudicial conditions?

A very important consideration is the social consequences dependent on the varying age limits. What age limit will best serve the interests of society? The suffering of women

and the ills of children must be reduced and the morals of all—both men and women—be improved. The aggressors must be checked, be they men or women, and the welfare of any individual be subordinated to that of society. Yet, if possible, the good of the individual should be made to harmonize with the good of all. At what age does the protection of the girl cease to be a virtue and become a menace? At what age would the normal young woman freed from moral responsibility for sex irregularity tend to break down standards of conduct and promote unwholesome living?

Finally, the present administration of our bastardy laws is so unjust to women that compensatory legislation is well worth considering. Only a small proportion of men incur any financial obligation as fathers of illegitimate children, and the few who do are not usually required to carry a very heavy burden. In fact, the cost of sex irregularity is paid for almost entirely by the women involved. So long as full responsibility is not or cannot be enforced against fathers, so long it is necessary to deal leniently with females who are still under age.

On the other hand moral responsibility must not be limited to the male sex. Otherwise young women will gradually lose their high ideals and begin to tempt their less resolute male associates. Unless they are compelled to bear part of the burden many women will lapse in morality and become a bane to the community. Probably no one will deny that a normally minded mature woman should be required to share the responsibility of her missteps. Nevertheless, it should not be forgotten that in all cases, woman bears the greater proportion of suffering and sorrow. Although the blame may be equally divided between the man and the woman, the suffering is not similarly equalized. Consequently, the immature female must be favored in order to give her justice.

The author believes that if ideal conditions existed as to sex instruction, protection of weak-minded women and girls and actual responsibility of fathers for their illegitimate chil-

dren that the unqualified age of consent might be justly fixed at sixteen years. Any age lower than this is patently unfair and so disregardful of the immaturity of the girls that it cannot receive serious support.

When a proper plan of sex instruction is carried out every normal girl of sixteen will have been so thoroughly enlightened in regard to sex life, moral ideals and the consequences of immorality that the responsibility for sin may well be shared by her. This standard, however, is too low unless the girl is normally minded; that is, of average intelligence and without any traces of weakmindedness.

No girl or woman of any age should be forced to suffer the full consequences of a moral lapse if she is so immature mentally that she is incapable of ordinary prudence and discretion. Courts are now beginning to excuse offenses committed by feeble-minded persons and to demand their segregation in proper institutions. Should not the feeble-minded when they are victims of a crime receive at least equal consideration?

An unqualified age of consent should be fixed at sixteen years and the years from sixteen to eighteen should constitute a period in which girls of this age would be amply protected if previously moral or of low mentality; that is there should be a conditional age of consent fixed at eighteen. Whether the prevailing ignorance of girls relative to sex matters justifies the establishment at present of the unqualified age of consent at eighteen is a serious question. The enforcement of high ideals on men is a culmination most earnestly desired but responsibility must also be developed in young women and efforts be made to reduce injustice to a minimum.

Evolution of Legislation

Age of consent, as has been stated, is a part of the law against rape. The seriousness of this crime has powerfully affected the establishment of age limits. At one time English law considered rape as trespass and the penalty was

slight. William the Conquerer, however, mixed barbarism with eugenics by punishing the crime with destruction of eyesight and castration. Gradually the Elizabethan law relating to age of consent became unsatisfactory and in the reign of George IV a law was passed providing that the carnal knowledge of a girl under ten was a felony without benefit of clergy and of a girl between ten and twelve was a misdemeanor, punishable by imprisonment and hard labor. This law accordingly raised the age of consent two years from the level formerly established.

Increased agitation for further reform resulted in the law of 1881 whereby carnal knowledge of a female between ten and twelve years of age was made punishable with penal servitude for three years, or imprisonment at hard labor for two. This advance also proved insufficient and in 1885 the law was amended by making the crime a felony in case the girl was less than thirteen years of age and a "criminal offense" punishable with two years' imprisonment if she was between thirteen and sixteen years, even if she consents or solicits. According to this law the age of consent is fixed at sixteen years, but severity of punishment is made to depend on the age of the child. This constitutes the English law on the subject at the present time.

The British colonies have also been compelled to cope with the problem. Beginning with the age limit fixed at ten years, they have gradually raised it to sixteen or seventeen. In several Australian states the fixing of the limit at seventeen years is by many credited to the new influence of woman suffrage, which was obtained before the laws were amended. There can be no doubt that the political power of the women was a factor in the campaign.

Laws in the United States

In the United States one of the handicaps to progressive legislation consists in the right of each state to make its own

laws on the subject. Consequently 48 states are governed by 48 different laws. Beginning as most of them did with the age limit fixed at 10 years, they began to demand reform about 1885 and thereafter. For a period of ten years many states enacted improved legislation and in 1895, nineteen states had imposed an age limit of fourteen years and in twelve states the age had been raised to sixteen. In many states, reform has been gradual and several changes in the law have been made; for example, Illinois raised the age from 10 to 14 in 1897, and then increased it to 16 in 1905; Colorado raised the age, first to 16, and in 1895 to 18, being the first state to adopt this high age limit. In California the successive laws made the age of consent 10, 14, 16, and 18 years respectively.

When the absurdity of the ten-year limit dawned on our various states, the change to 14 years was made with comparatively little difficulty. The more serious problem has consisted in lifting the age above this new level. Legislators have claimed that girls of 15 and upward were fully competent to care for themselves, to assume the responsibilities for sex irregularity and have the needed knowledge to protect themselves if they wish to do so. Probably no campaign for reform illustrates the deep-seated antagonism to placing greater responsibility on men than that carried on in Colorado to raise the age limits from 16 to 18. This was fought bitterly by the protagonists of vice and was likewise opposed by many good and well-meaning men. "The girl of 18," said they, "has ample knowledge of sex problems and sex facts, much more than girls of 14 or 16. Why penalize young men for the lax morals of young women? Let the latter bear their own burdens; the fault is theirs if they consent." Behind this form of argument and philosophy was the veiled wish to prevent interference with the annual crop of deceived, gullible and weak-minded girls who meet the wishes of immoral and designing men. The sincere opposition to this law based its arguments on the reputed maturity of the girl of eighteen.

But no juvenile delinquency laws had as yet been enacted and the age that constitutes a reasonable dividing line had not been given sufficient consideration. Our more enlightened present attitude toward juvenile delinquency greatly facilitates the enactment of improved age of consent laws.

In several states legislation has taken the direction of establishing an absolute age limit and also a qualified one. The Missouri and Nebraska laws are examples of this principle. Both fix the age limit at fifteen years, but provide further that the law shall apply to females between fifteen and eighteen years of age, provided they previously bore a chaste character. Unfortunately court procedure is such that this clause practically shifts the burden of proof to the injured girl and makes the successful outcome of charges made by the older girls a comparatively remote contingency. Too many young men are ready to assist in besmirching the character of a girl, especially if it tends to remove the barriers to continued licentiousness on their part. Occasional cases are successful, however, and the Supreme Court of Nebraska has upheld the validity of the law in the case of a girl who was sixteen years of age. This type of law should be strengthened to insure the protection of the backward, retarded or ignorant girls, precisely the ones most in need of the shelter of the law. Furthermore, socially-minded court officials are needed to enforce the law and to make men bear their share of the burden. Failure of the courts to give justice is largely responsible for the rapid movement in the direction of fixing the age limit at eighteen. Since 1900 many states have amended their laws and when once a new age limit has been fixed it has not been lowered.

The situation in 1919 in the various states in regard to age of consent laws is given in the following table. The term "qualified" is used to designate conditions which require that the female be of previous chaste character.[54]

[54]Table based on figures compiled by the American Social Hygiene Association.

AGE OF CONSENT	NUMBER OF STATES AND TERRITORIES*
10 qualified 18	1
12	1
12 qualified 18	1
12 qualified 21	1
14	3
15	3
15 qualified 18	3
16	20
16 qualified 18	1
18	14
18 qualified 21	1
.... qualified 18	1

*Including Alaska and District of Columbia.

These figures show that only seven states have a limit of fourteen years or less; of the remainder twenty have fixed the age of consent at sixteen, while fourteen have adopted an eighteen year limit. Mississippi retains the twelve year limit but several of the southern states have fixed the age at eighteen. In two states if the woman was previously chaste the law applies until she is twenty-one. In a number of instances the higher age limits are largely due to the demands made by women in equal suffrage states, but in other states they were obtained without this advantage.

Age of consent laws frequently fix an age of culpability for the male. Where no age is specified the age of discretion is held to be fourteen, unless the juvenile delinquency law interferes to mitigate the offense. In some states the law fixes the age for males at 16 or 17 and any male of this age or upwards who has carnal knowledge of a female of a certain age or less, with or without her consent, is guilty of a crime. The fixing of such a limit for males is just and corresponds to our policies in connection with the treatment of juvenile delinquency. No doubt the young boy is frequently deceived in part and should not be held to full accountability for offenses committed. This principle, however, must not

preyent him from being brought into the juvenile court for trial and appropriate disposition or punishment; and if the victims are very young girls severe punishment must be inflicted.

A final feature of our laws relates to the grading of punishment according to the age of the female. In at least nine states, the male is punished more severely if the female is below a certain age. For example, in Minnesota three grades of punishment are provided for. The harshest applies in case the girl is under 10; a milder punishment is inflicted if she is between 10 and 14; while the lightest penalty is imposed if she is over 14. Usually, however, only two different penalties are legalized, and the age limit which distinguishes them is fixed at 12 or 14.

It would be well for the social workers interested directly in the reduction of illegitimacy to give more attention than heretofore to age of consent laws and their enforcement. Properly enforced these laws should greatly check the prevalence of immorality. So far, however, they have accomplished but little. The juvenile court records show that a large proportion of the delinquent girls brought into the courts are sexually immoral and that many of them are under the age of consent. Again we have seen that a remarkable proportion of the unmarried mothers are less than eighteen, with the probability that their sex experiences began a considerable length of time before this age. If every state would raise the age of consent to the socially desirable point and enforce the law, the promiscuous sex relations now prevailing among young delinquents would become a very serious matter and the males especially would exercise more caution. While our laws punish offenders against little girls, they do but little to safeguard the adolescent girls whose knowledge is widening but who are still too ignorant to understand the full meaning of an immoral act. A well enforced law would offer considerable protection and would prove a deterrent factor of no mean importance.

CHAPTER VII

LEGISLATIVE REFORM

We have reached a turning point in the history of legislation concerning illegitimacy. The people are becoming restless under the ineffective laws of the past. They are unwilling to trifle with the problem and are beginning to demand a legislative program that will accomplish results. However, our unity of action stops at this point. The various state programs differ widely from each other. Furthermore, the underlying principles are not the same. As far as they affect the children directly, these principles deal with the relation to the status of illegitimacy. A growing number of individuals feel that there is no social justification whatsoever in the laws that penalize children who can under no conditions be responsible for their illegitimacy. They believe that the better treatment of such children as well as a marked diminution in the number of children born out of lawful wedlock will follow the abolition of the status of illegitimacy. Another group would punish more severely than ever before the offending parents, but not remove the legal handicaps of the child. In fact, if bastardy is made a crime it is hardly possible at the same time to consider the child as legal offspring entitled to all the privileges of a legitimate child. On the other hand, if illegitimacy does not exist, what is now bastardy cannot be declared a crime. Each point of view will carry with it a properly co-ordinated chain of laws, both aiming at drastic consequences. Certain legislation, however, will be similar no matter what the point of view. It is difficult to believe that such divergence will continue. It seems that in the long run we must relieve the illegitimate child of all his disabilities and give him a start in life equal to that of the child born in lawful wedlock. An aggressive program

applied to the parents and a comprehensive plan of prevention should reduce to a minimum the number of extra-conjugal births and ameliorate the lot of these children.

Registration of Births

The registration of births represents a most important step in a program of child welfare and within the last few years many states have enacted laws providing for such registration. A model law requires the birth certificate to contain the following information:

I. Place of birth of child, its name, sex and legitimacy, also whether it is a single or plural birth.

II. The full name, residence, color or race, birthplace, age and occupation of the father.

III. The maiden name, residence, color or race, birthplace, age and occupation of the mother.

IV. Number of child of mother and number of children of mother living.

V. Whether or not child is born at full term.

In some states certain facts relating to illegitimate births are suppressed or at least prevented from appearing on the birth certificates. Missouri is an example, and carefully forbids the recording of any information about the putative father. When the law was first enacted many of the certificates filed did contain such information. They usually included his name, probable address, occupation, and sometimes his age. Gradually, the registration of births was handled with increasing effectiveness, and as a result the provision prohibiting the recording of facts about the putative father was enforced. If birth certificates now contain this information they are promptly returned to the physicians or persons who filled them out with instructions to obey the law. There is now a complete suppression of any facts that the mother may be able to give about the man whom she claims is the father of her child. What is true of Missouri also holds for various other states. In most states the common law mar-

riage is considered valid, and as these marriages are not very stable, many births occurring to parents who had contracted such a marriage are classified as illegitimate and the side of the birth certificate where questions about fathers are to be answered is left blank. It must not be forgotten in this connection that when the birth certificate is made out there often is no official information about the paternity of the child and any statement made may be the unsupported testimony of the mother. In some states the information given by her about the putative father is recorded on the birth certificate and filed. This is done quite apart from the official determination of the paternity. Sometimes, therefore, innocent men may be subjected to calumny and shame. On the other hand, whenever legal procedure has been followed and paternity determined, the information concerning the father is quite as valid as that for the mother.

Another variation in recording information about illegitimate births is that furnished by the ordinances of the city of Chicago. According to these any patient in a maternity home may file her name and address and that of the father of the prospective child and certain additional facts, all of which shall be kept in a secret record to which no person except officials and employes of the Department of Health have access unless by order of a court of competent jurisdiction.

This system, unfortunately, is practically useless and the number of such records is amazingly small. The city of Chicago has no adequate records of the prevalence of illegitimacy within its bounds and this law, perhaps, operates as one of the agencies to prevent the compilation of this much needed information.

In the District of Columbia, illegitimate births have been registered since 1907. One provision of the law makes it optional for the physician or midwife, in case the baby born is illegitimate, to include on the birth certificate any facts that might lead to the identity of father, mother or child. Ac-

cordingly, in about one-fourth of the cases, the information gained is just as limited as the law allows.

The different types of laws as given above represent various grades of endeavor to conceal official information in respect to illegitimacy. If concealment safeguarded public and private morals and protected the child then such a procedure would be justified, but the example of the past, when mothers could give away their babies and go away undetected, is a sufficient answer to this blundering policy. The official recognition of facts which few people peruse directly differs widely from newspaper notice. The two must not be confused with each other. It does not follow that because the latter is undesirable that the former is also.

There must be adequate birth registration. We need to know how many children are born out of lawful wedlock, and as many facts about their fathers and mothers as will be necessary to a proper understanding of the problem. We cannot forego the statistical information even though the status of illegitimacy be abolished, for the abnormal condition still remains. Nevertheless, some thinkers believe that in addition to the concealment of the facts about the father, the mother's identity should also be hidden. For example, a well-known social worker says, "It should be made lawful for the expectant mother to assume a fictitious name for the purpose of registration and report, (as Mrs. Mary Smith; Mrs. Alice Brown, etc.), in order not to expose her identity; provided that the same name shall be used as long as she is a subject of public record and shall not be changed except to resume her own name."[55] This writer recognizes the need of information about the mother; but he would conceal her identity, as has been done for example in many cases in Washington, D. C. Certain difficulties arise in this connection and it is doubtful whether the birth record can become a reliable source of

[55]The Child—August, 1912. p. 31.

information about the age of children, their identity, relationships, and other important conditions.

There will probably come a time when exact facts as to a child's age and identity are necessary. It will be difficult, if not impossible, to secure these if incorrect names are given on the birth records, even though some key to the right names be used and kept under strict surveillance. Again, the mother cannot hide the fact of illegitimacy and its concealment on the birth record would be of little service to her.

Another plan contemplates recording all known facts, that is the information about the mother and also about the father if the paternity has been legally established. Many persons believe in the Minnesota plan whereby the name of father is omitted until the paternity of the child has been established; whereupon a record of the fact is transmitted by the courts to the state registrar of vital statistics and the information then added to the birth certificate. Unless ordered to do so by a court of record, no person connected with the official birth registration may disclose to any person whether any particular child is legitimate or not. Provision is made by the law for a public record of births open to general inspection. This record gives the name, sex, color and date of birth of the child, its birth-place and the name and age of the mother. It is this record which is to be used when facts about the child are necessary for the enforcement of the compulsory attendance or child labor laws.

This plan, however, is not by itself a sufficient remedy for the situation. Every child should, if possible, be gifted with an official father. Unless such a law is supplemented with an effective board of guardianship that attempts to discover the paternity of every illegitimate child as far as evidence can be obtained an injustice is done both to the mother and to the child.

The public need not always know about particular men or women but it must be informed about the extent and tendency of illegitimacy and its causes, for without such informa-

tion it will not formulate an adequate program of reform or prevention.

Supervision of Maternity Homes

Drastic legislation is needed to control maternity homes and baby farms. Appropriate laws must be enacted to govern such practical activities as receiving, caring for and treating pregnant women; receiving and boarding children under three years of age; receiving illegitimate children, and having in custody or control two or more infants under three years of age unattended by parents or guardians. The Indiana law is an excellent one; among its provisions are the following:

Maternity hospitals and boarding houses for infants must operate according to rules established by the Board of State Charities.

The State Board may grant licenses to institutions that meet the requirements, and licenses must be renewed annually.

Each institution must keep adequate records and these records must be accessible to the delegated authorities.

In the case of women admitted to a hospital, prompt reports must be made to the board of charities. When births occur similar reports are necessary. If babies are brought for adoption, for placing out, or for other methods of disposition, proper records of the facts must be transmitted to the State Board.

Unless authorized by the State Board no person other than the judge of a court shall place a child under three years of age for adoption or permanent care with any person other than a relative of the child. A provision of this kind according to which the placing of a child is supervised by a public board is most necessary to safeguard the life and health of the babies.

Licenses may be revoked if considered advisable.

The confinement expenses of the mother of an illegiti-

mate child, unless paid within four months after such confinement, may be charged against the county in which the woman had legal settlement and illegitimate children may be taken with their mother to the county where the mother had legal settlement. Women from without the state who become public charges may be removed with their illegitimate children to their place of residence in the state from which they came.

In some respects the Massachusetts law is even more drastic. It provides that a person who gives to any person an infant under two years of age for the purpose of placing it for gain or reward under the permanent control of another person is guilty of a crime and whoever receives an infant for gain or reward with such purpose is also criminally liable. It also requires any person receiving an infant under three years of age for board or for the purpose of procuring adoption to ascertain whether it is illegitimate and, if that is probable, to notify the state board of charity at once. Such an infant is in the custody of the board.

On the other hand, the law allows the mother of an illegitimate child under two years, if of previously good character and a resident of the state, to surrender her child to the state board of charity for adoption. The mother thereby gives up all claims to the child.

Wherever laws controlling maternity homes or hospitals and baby farms or boarding homes for children have been enacted, most deplorable conditions have been revealed and on enforcement of the law good results have been obtained. Indiana and Massachusetts have both been conspicuously successful in abating these persistent evils. Private maternity homes of the low-grade commercial variety have been practically driven out of existence and the numerous centers where babies were neglected and died have been forced to discontinue their work. The evidence given in a previous chapter as to conditions in several cities shows the importance of proper legislation to lessen this abuse. Among the most

beneficent results will be care and attention to the illegitimate child and to some extent a diminution in the amount of illicit parentage, but the consequences in a lowered infant mortality, the prevention of neglect and the securing of good homes for the children are alone well worth the effort.

Bastardy Laws

An important feature of our laws relates to proceedings for bastardy. In forty of the states so-called bastardy laws or laws providing for paternal support of illegitimate children have been enacted.[56] The remainder have no laws and the unmarried mother has no recourse to law and cannot compel the father of her child to contribute the slightest amount toward the support of her child. Two points of view have been held in regard to such proceedings. Sigmund Engel speaks of these as the Teutonic and the Latin, but it is somewhat harsh to distinguish them so sharply by these terms. The Latin idea prohibits inquiry into paternity of an illegitimate child. The impetus to this method of dealing with illegitimacy was given by the Napoleonic Code. This distinctly interdicted inquiry into the paternity of a child and thereby placed the entire burden of support on the mother or the public. The Napoleonic Code was carried to a large part of Europe and became fundamental law in many states and countries. In Italy the law took the extreme position that not even the mother was compelled to recognize her child. In some respects this situation is not perceptibly worse than that portrayed in the law of the District of Columbia, as was shown above. The French law spread to the Latin countries and also invaded the nations of Teutonic blood. Nevertheless, its main strength has been in the Latin countries; and elsewhere it has been largely superseded.

[56]A thorough analysis of bastardy laws in the United States is given in the report of the Federal Children's Bureau entitled "Illegitimacy Laws of the United States and Certain Foreign Countries."

On the other hand, in England, Germany and Scandinavia, considerable advance has been made along opposite lines; that is, in efforts to develop plans for a more successful inquiry into paternity and to enforce paternal support. This point of view is gaining ground everywhere and promises to overthrow the prohibition contained in the Napoleonic Code. The fact that every child has a father is slowly being supplemented by the principle that every child, as far as possible, must have an official father. Accordingly the facts about paternity must be determined, officially recorded and responsibility placed on fathers. France amended the Code Napoleon in 1912 and now allows limited inquiry into paternity.

The bastardy laws of the American states bear many points of resemblance but differ from each other in minor particulars. A few states, however, have laws based on quite different principles. The following cursory analysis of these laws is intended largely to acquaint the reader with the general scope and purpose of such laws and is not in any sense a digest of these various state laws.

To begin with, bastardy is in almost all instances subject to civil rather than to criminal action. In very few states is the father a misdemeanant, and dealt with as a criminal. Massachusetts, Maryland and Pennsylvania, however, do classify the offense as a crime and, therefore, make it possible to follow the criminal procedure. In the majority of cases the rules followed are those of the civil courts although in many states the method used is classified as quasi-criminal. Some laws definitely state that cases shall be handled in accordance with the practice and procedure applicable to civil cases and that the rules of evidence and the competency of witnesses shall be the same. The purpose of action in all of these cases is to secure protection and support for the child, and to prevent him from becoming a public charge, but not to punish the fathers. This purpose is essentially emphasized by the fact that the law usually applies only when the baby is born alive and that judgment is rendered in favor of the

child. In case of a still birth or death soon after birth, the charge is dropped and the defendant dismissed, in spite of the fact that the mother may have incurred a large expense at the time of her confinement. The law is interested in the care of the child and not in the burden that has been placed on the mother. It does not consider that the man involved is at least a contributory factor and ought to share the cost of his folly or immorality.

There is some variety in the method of bringing suits. In many of the states the woman must make the complaint to the justice of the peace or judge of the court having jurisdiction and institute the prosecution against the person whom she charges with being the father of her child. She must in these cases secure her own counsel to prosecute her case and is subjct to practically the same rules that cover other civil suits. This restriction implies that the law considers proceedings for bastardy as a mere private action and as a case in which the state is interested only as it is in other private actions. On the other hand, in many states after complaint is made by the woman the case is handled by the prosecuting attorney. Here the procedure resembles that of the criminal courts, and the state becomes an interested party. In theory this method of procedure enlists the co-operation of the state in the establishment of the identity of the putative father and in securing paternal support for the child. In Kentucky the law goes so far as to prohibit the mother from dismissing the prosecution after the court has once acquired jurisdiction of the case. In Iowa the prosecution may be instituted by "any person," but the public attorney is authorized to proceed with the case. It should be a considerable advantage to make the state a party to the case. In fact, the tendency of bastardy legislation is distinctly in the direction of the viewpoint that illegitimacy is a problem of public concern. In some of the states, especially those with well developed poor laws, cases involving the public support of the mother and her child may be prosecuted by the overseers of the poor. Charitable sup-

port is not extended to any except those without means, and since the father has an obligation to the child, the "poor" officials may use such means as lie within their power to gain private support for the child. Therefore, when an unmarried mother asks for aid, they may at once apply to the court for an inquiry into the facts and circumstances of the case and bastardy proceedings may be instituted quite apart from the voluntary action of the woman herself.

Practice in regard to charging the cost of the suit is not uniform. Wherever the procedure is distinctly civil, the prosecutrix bears the cost if she loses the suit. Some of the laws state that under these conditions the charge lies against her. It may be the custom to pay the costs even though the case be handled by the prosecuting attorney, but where this method is followed the cost is lower than where private counsel is employed. When the overseers of the poor prosecute a case, no charges can be imposed on the woman, as she is without the means to pay them. When criminal proceedings are instituted the burden rests on the state. In some cases, even under civil action, the costs have been divided between the complainant and the defendant, and if the woman wins the suit the costs are charged agaist the man. As a general principle the cost of prosecution, even though she loses, should not fall on the woman, except in those comparatively rare cases when some malicious or vexatious charge has been made.

When a case is tried the woman is admitted as a witness unless she has been disqualified for particular reasons. Ordinarily, it is difficult to prove the charge on direct evidence; hence, reliance is placed almost entirely on circumstantial evidence and it is not usually required to prove guilt beyond a reasonable doubt.

One of the most unsatisfactory phases of the enforcement of our bastardy laws is the amount of compensation allowed for the support of the child. When marriage takes place, this act serves as a bar to prosecution and the father is expected

to support his family. Should he desert or fail to support his wife and child, proceedings must be brought under the family desertion and non-support laws of the state. Sometimes, in lieu of marriage or because the man is ineligible for marriage to the woman, a compromise is effected out of court. Usually, the woman does not know her rights and is cajoled into a settlement which is most disadvantageous and unjust to her. On the other hand, the intelligent woman frequently succeeds in a more agreeable settlement than would be accomplished through the courts. Eight cases of settlement out of court, according to the Boston Conference on Illegitimacy, ranged in amount of money paid from $50 to $500 and averaged $228 each. Girls are often persuaded to settle the cases out of court. Such action is frequently urged by the lawyers, if the man would otherwise compromise or disgrace his family; by public officials in many cities, and often by philanthropic societies working on a case. In certain cities the courts now restrict cash settlements or interfere with them and demand better terms for the mothers.

The law may require the putative father to assist in the maintenance of the child until it has reached a certain age; or to pay a certain sum of money outright; or to assist in such manner and to such an extent as the court may order. The age, when one is specified, is usually fourteen or sixteen. When none is stated judges occasionally require partial maintenance until the child, if a boy, has reached the age of 21, or if a girl, the age of 18. The Massachusetts law makes this requirement. Usually, however, the age when a child may enter the gainful occupations is the limit fixed by the judges. Among the states specifying the maximum compensation to be allowed the mother for caring for the child is South Dakota, which allows a payment of $250 for the first year and $150 annually for ten years thereafter, or a maximum of $1750. Many states do not fix the amount but leave this to the discretion of the judge, so that the maximum may be much higher. Actual practice, however, in the determination of awards in-

dicates a remarkable lenity on the part of judges and officials and law-makers. In the case of eight court settlements in Boston, three were for $150 each or less; three uncertain as to aggregate amount, and two for large sums aggregating about $2,500 each. The Illinois law allows the judge to require the putative father to pay $100 for the first year of the child's life and $50 for the next nine years, or a total of $550. The study made by the Chicago Juvenile Protective Association of 163 cases handled in that city shows that in only 17 cases was the maximum payment ordered by the judge and in four of these the man eluded the payment. Some states empower the overseers of the poor to effect a compromise with the putative father in case the woman has been forced to accept public support. Usually little attention is paid to the problem of permanent support of the child and as a consequence the fathers are not required to make payments commensurate with obligation that rests on them. The growing practice of concentrating cases of a special variety in a single court operates favorably in the large cities toward a greater approximation to justice. Gradually more nearly adequate compensation will be required by the courts.

The defendant after complaint has been made is usually required to give bond and in many states the trial is delayed until after the child is born. Then if he is declared the putative father, and charged with the maintenance of the child, he is expected and in some cases required to furnish surety for the payment of the money. If he is penniless and unable to contribute he may be sent to the county jail or workhouse and if he refuses payment, he will be compelled to undergo the same penalty.

In several cities the administration of bastardy laws has been placed in the hands of domestic relations courts. Already these courts have been established in many of the large cities either according to the mandate of state law or the action of the municipal court judges in designating one of the various courts of the city, as a particular branch to which all

cases involving family and domestic relationships, as far as these courts have jurisdiction, will be referred. Valuable results have been obtained in Chicago. The Chicago court employs an investigator who studies cases and reports findings and frequently advises girls about homes and places for confinement. In three years, 1912-13-14, the number of cases appearing before the court rose from slightly more than 411 to 720. Even this number represents not more than one-fourth of all the cases of illegitimacy annually occurring in Chicago. In practically one-third of the court cases a marriage is arranged and in a large proportion the putative father is designated and a certain amount of maintenance exacted of him. Some supervision is also exercised over the collection of money for the woman, as in many cases the man evades his duty if it is at all possible. The records of the court indicate increasingly satisfactory dispositions of cases.

The city of Buffalo furnishes a good example of co-operation between the court and the other public agencies. In New York an illegitimate child is a public charge and the officials can proceed at once with the case. In Buffalo applications for care come to the Commissioner of Charities and Corrections. Many of the cases are handled directly, and about one-third are brought into the Court of Domestic relations. No attempt is made to try cases that are very doubtful or likely to be lost. When the action is successful the defendant is required to pay $40 for the lying-in expenses of the woman and $3.00 per week for the care of the child as long it is provided with public care. Usually he must give surety for the payment of about $500, and if he fails he receives a jail sentence. By co-operating with the court, the public department of charities carries much of the social service work which must be done for the mothers and babies.

Bastardy is not an extraditable offense except in states where it is a crime and therefore if the putative father escapes to some other state no proceedings can be brought against him and the mother can obtain no redress whatsoever. Men

frequently choose this alternative to a forced marriage or an order for regular support of the child. Minnesota has finally made legal provision to cover this situation. The new law makes it a felony for the father to abscond from the state to evade proceedings to establish his paternity is some particular case. The man can therefore be extradited and the bastardy law evoked. The extraditable offense, however, is not bastardy but the attempt to evade the operations of the law.

In Pennsylvania bastardy has for many years been classified as a criminal offense of the grade of misdemeanor. It follows from this fact that proceedings can be brought against a man as soon as information justifying action is received. The state can take the initiative and push the case to a conclusion. Until recently, however, public opinion has not given the law greater vitality than the laws of other states. Within a comparatively short time attempts have been made, especially in Philadelphia, to concentrate bastardy cases into one court and to handle them very much in the same way as juvenile court cases are handled; that is, by preliminary social investigation of the case, the avoidance, as far as possible, of a public hearing which would require the woman to rehearse nauseous details before a group of men, by settlement out of court, and by safeguarding the payment of compensation to the woman. The use of the probation officer as an agent to bring about the rehabilitation of the woman and acknowledgment of responsibility in the man is a long step in the direction of successful work.

The work now accomplished in Philadelphia deserves particular mention. All cases of bastardy are referred to the Criminal Division of the Municipal Court for trial. Arrests are made quietly, the preliminary hearings are private and the interests of both the man and the woman are protected. When a case is listed for the court, a summary of the facts is presented to the district attorney, the witnesses are summoned and the probation officers carefully watch the pro-

ceedings. Prosecution must begin before the child is fifteen months old. In actual practice the proceedings are in the larger share of cases instituted at the birth of the child, or during the period immediately preceding or following this event. In 1915 the court dealt with 640 cases and disposed of 333. Weekly court orders were made in 169 cases and the men involved ordered to pay sums ranging from one to three dollars, and averaging $1.77, per week, for a period of fourteen years. In about one-fourth of the cases confinement expenses were also assessed, and in ten instances the compensation was limited to such expenses. Cash settlements were verified in 25 cases, the compensation ranging from $75 to $750, and averaging $222. In 53 cases marriages were effected. Many of the men, however, failed to pay regularly and during the year more than 100 cases were transferred to the domestic relations division of the court where they were placed on probation and efforts were made to enforce the orders. The Municipal Court also collects valuable data about each case of illegitimacy, partly that a constructive program may be more easily realized and partly in order to throw light on the causes and conditions underlying the evil. In Philadelphia the feeling is gradually beginning to prevail that bastardy cases are to be solved to the advantage of all as far as possible, and are not to be a mere football for lawyers. As a result the efficiency of the probation and investigating officers has been greatly increased.

In 1913, Massachusetts enacted a new law providing for the care of illegitimate children, and also made bastardy a crime. Under this law the putative father may be compelled to pay for the confinement expenses of the mother and to make such payments as may be considered expedient for the care and welfare of the child. The judge may from time to time alter the maintenance order as the exigencies of the case may require, the man being liable to contribute reasonably to the support of the child during its minority. Furthermore, the family desertion law is made to apply and, in case of neglect,

the man can be brought to justice under this law as well. He can be convicted and fined or imprisoned, or both, and can also be placed on probation subject to orders to pay stated sums of money to the probation officer.

By making bastardy a crime Massachusetts can now demand the extradition of men who escape from the state. A larger number can, therefore, be apprehended and tried, but conviction will also be more difficult because convincing evidence must be introduced. The case can now be tried when the mother is six months pregnant instead of being delayed until the child is born as is the practice with some exceptions in the various states.

In the United States and in most European countries the principle "exceptio plurium concubentium" constitutes a valid defense for the accused man in a bastardy action. According to this principle if the man can prove that the woman also had intimate relations with some other man during the period of time when conception may have occurred the case is dismissed because the actual paternity cannot be proven. As a consequence young men frequently prevail on their friends to testify to immoral relations with the prosecutrix. Little harm is done because the case immediately collapses and the offense of the young men is soon forgotten. So long as the purpose of bastardy proceedings is to designate the putative father in order that his obligation to the illegitimate child may be enforced, the above mentioned principle is valid. If the question to be decided is, who is the father, then the prosecution can make no case if promiscuous intercourse is proven. The best thought, however, no longer supports this principle. Extra-conjugal sex relations and children born out of wedlock give rise to a variety of problems. There is the interest of the mother and of the child, as well as the need of moral standards for the community. The most important question is not the identity of the putative father, but the plan of procedure which will best safeguard the interests of society. To become genuinely effective the law must actually reduce

the impulse to immorality, while it makes provision for the mother and the child. If a number of men have each risked the possibility of paternity their intent is quite as immoral and debased as if each one were clearly proven the putative father of some illegitimate child. Modern penology is more interested in the character and conduct of the individual than in some objective outcome incidental to such conduct. Reformation and improvement require a program adapted to the psychology of the individaul. No constructive thinker believes it right to penalize the man who alone has been intimate with some woman and at the same time to absolve from all responsibility two or more men because their misconduct happened in connection with the same woman. Since the actual guilt is identical it is most unjust to punish the proven putative father and to dismiss the group of culprits. So much more than the support of the child is involved that the right principle of action requires that all men who have sex relations with a woman during the time when conception must have occured shall contribute to the support of the child. It is immaterial who is the actual father. One of several men might have been. Each is potentially guilty and unless each is penalized and held responsible we cannot hope to deter men from immorality.

The Minnesota State Board of Control has taken an advanced stand in respect to this subject and in 1918 adopted a resolution governing its action in illegitimacy proceedings which conveys the following thought; the Board does not think a man is wronged if he is made to bear paternal responsibility when he could be the father of the child according to the evidence even though other men had relations with the girl. Nevertheless it would allow the defendant every opportunity to establish his defense.[57]

On the other hand a woman sometimes selects from a

[57]U. S. Children's Bureau—Illegitimacy as a Child Welfare Problem.—p. 42.

group of men who are implicated the one best able to support her child and brings proceedings against him. Such a man obtains more publicity than the rest and is sometimes a victim of blackmail. A bad situation such as this must occasionally be expected, but even so it does not justify the retention of the principle that all the accused must be freed because more than one is guilty.

A feature of some laws relates to the cost of maintaining mothers and babies that should be cared for in the counties in which the mothers have their settlements. The New York law specifically provides for indemnification of one county by another when it has been proven that the mother has migrated under pressure or influence from her home county to some other community where she has been compelled to accept public charitable support. Such cases are handled in precisely the same way as are "poor" migrating from one county to another. This procedure relieves the counties or towns toward which the pregnant girls gravitate and places the cost where it belongs. It does not, however, require each community to struggle concretely with its problem; since paying a small indemnity is no substitute for actual work and does not educate a community to the need of preventive work.

Greater difficulty is experienced in solving inter-state problems of a similar character. A large number of girls cross state lines in order to reach suitable lying-in facilities. Probably this is not usually necessary and could be avoided if they received other instructions. The only action which any states can take to relieve themselves of an undue burden is to provide for the return of patients to the states from which they migrated. The state of Indiana provides not only for this return of patients to the counties in which they have their settlement but to other states as well. It cannot charge other states, however, with the cost of the service it has given to any women as there is no way of enforcing such a demand. The gradual recognition that bastardy is a condition to be handled separately within each state is also leading private

agencies to discourage inter-state migration of pregnant women and to insist that each state care for its own, since in no other way can the laws be applied.

In the cities the enforcement of laws requiring paternal support of the child will no doubt be best fostered by domestic relations courts. After dealing with family problems of every kind they soon learn to divest themselves of the cold legalism that prevents so many people from securing justice and to view the cases before them as problems in humanity. The atmosphere of the court is then entirely changed and judges and other court officials, such as investigation and probation officers, apply sound principles of social service to their work. As a natural result each case is studied from the sociological viewpoint and settled accordingly, as far as the law will allow. This is a tremendous gain and means greater justice to women and to children, and more difficult escape by men from the consequences of their vice and immorality.

The chief field of courts of domestic relations, however, will be in the larger cities. In the rural sections and small towns the prevailing court system is not likely to change materially for many years. Nevertheless, the gradual humanization of the courts and the education of lawyers in economics and sociology as well as the growing demand by the public for justice will go far toward obtaining good results, especially if our laws are revised so as to become adequate to meet the situation.

The bastardy laws of European countries, with few exceptions, are as unsatisfactory as are our own. Furthermore, illegitimacy is far more prevalent and the people have hardly made a beginning in trying to solve the problem. The status of woman also is less favorable than in America, a fact which profoundly affects the character of the laws. On the other hand, modern and adequate poor laws are an impetus to reform in handling illegitimate children and some countries have undoubtedly felt the result.

In England before 1834 a man could be declared the pu-

tative father of an illegitimate child on the uncorroborated oath of the mother. Harsh treatment was authorized for both parents, yet the laws did not reduce immorality. The law of 1834 required corroborative testimony as to paternity and enabled the local parish to recover maintenance costs from the putative father. An interesting change was made in 1844 when a law was passed which attempted to secure redress for the mothers in addition to support for the child. This law, however, was soon repealed.

The existing bastardy law allows the woman to apply for a summons against the putative father, either before the child is born or within a year thereafter, although under certain conditions, a longer time is allowed. The public guardians or relief officials may also apply, but only after the child is born, apparently on the theory that their only concern is the maintenance of the child. The courts adjudicate the case and if the man is declared the putative father, they make an order that varies according to the exigencies of the case. This order may require the payment of a specified sum, for the care and training of the child, and also for confinement expenses of the mother. If the child has died before the making of the order the man may be required to pay its funeral expenses and to pay the costs incurred in obtaining the order.

In case the application was made by the guardians the putative father may be directed to pay the guardians specified sums for the relief of the child as long as it is being publicly supported. The mother, however, is not relieved from liability for maintenance. When the child is no longer chargeable, the order for maintenance lapses and the mother cannot have the payment of the money transferred to her in case she endeavors to care for the child except by securing a fresh order from the court on her own application. In general, the proceeding is uncertain, and results are very unsatisfactory. The officials complain that the guardians cannot obtain orders for the maintenance of the mother, although she may be dependent on public support for months. Furthermore, in the great

majority of cases no orders of any kind are obtained, many young women leaving the public institutions before proceedings have been begun.

Among the recommendations for improving the methods of procedure, the following were indorsed by the Commission on Poor Laws.[58]

The law should expressly state that an order once obtained whether by the mother or the guardians shall be available by whichever party is maintaining the child.

The law should be amended so that, regardless of the conditions which make the child dependent, the putative father shall be liable for its support and with increasing cost to him if necessary. This recommendation aims to provide for the child in case the mother dies or is incapacitated.

The putative father should be made liable for the maintenance of the mother while she is dependent on the public for support.

The officials in different districts should co-operate in the enforcement of law so as to reach the man who changes residence to evade the law.

There should be an effective system of control of the feeble-minded.

Depraved women should be detained in suitable institutions.

These are rather moderate recommendations and deal largely with the problem of maintenance and support of either child and mother or both. The commissioners apparently had no comprehensive preventive program in mind.

The German Civil Code makes the following provisions for the care of illegitimate children:

The father must support the child until it is 16 according to the mother's station of life.

Support includes necessaries of life, cost of education and of preparation for a vocation.

[58]Royal Commission on Poor Laws. Vol. II, p. 144.

If the child has mental or physical defects longer support may be required.

The father must pay confinement expenses of mother and maintenance for six weeks after birth of child.

Father's duty of support precedes mother's.

If father dies, child has claim on heirs of father.

An agreement between father and child as to compensation instead of maintenance requires the consent of a court of guardianship.

If child dies cost of interment must be borne by father, if heirs of child cannot pay.

Maintenance must be paid three months in advance.

France, Italy, Switzerland and Hungary have in recent years passed legislation facilitating the care and maintenance of illegitimate children, but little, if any, can be considered of revolutionary character.

In conclusion it may be stated that bastardy law and its administration should be improved in the following particulars:

1. An effective method of extradition, whether bastardy is a criminal or civil case, should be provided. If the status of illegitimacy is abolished a plan similar to that devised in Minnesota to bring absconding fathers back to their state should be introduced.

2. Inquiry into paternity should be permitted from the time pregnancy is first apparent until the child is of age, provided the putative father is living.

3. The principle "exceptio plurium concubentium" should be abolished.

4. Joint support of the child by both father and mother should be provided for.

5 The father should be required to support the mother during confinement and incapacity connected with or due to child birth.

6. Orders for the support of child should be adequate and continued during his minority.

7. Effective methods of investigation and of applying the law should be developed. Cases should be handled with as little publicity, and as much outside the courtrooms, as possible.

8. Maintenance orders should be enforced.

Public Guardianship of Illegitimate Children

Recent developments in Germany are of interest to the American social workers because of a certain plan of action of which that country is the originator. It is the guardianship plan. For a long time, Germany suffered from a high rate of illegitimacy and because of the inadequacy of the bastardy law the great majority of fathers evaded all responsibility for their illegitimate children. According to this plan, some knowledge is gained concerning every illegitimate child, since each case is at once reported to the board of guardians. It matters not whether the children are rich or poor, of high or lowly station and born of married or unmarried parents, so long as they are not legitimate. Upon the board devolves the task of safeguarding the interests of the children. In many cases they are being properly cared for and nothing needs to be done except to confirm the practical guardianship that already exists by making the mother guardian of her child. In most cases, however, this easy disposition of the case is not possible and other guardians must be appointed. Owing to the fact that the great majority of unmarried mothers go to lying-in hospitals for confinement, cases are referred to the board for inquiry before the baby is born and support gained from the man involved.

According to Borosini excellent results have been achieved in such cities as Leipsic and Dresden, where the system is being tried.[59] In Dresden in 1907 only 137 fathers were assisting in the support of their illegitimate children, although the city must contain thousands of them and many are born

[59]Journal of the American Institute of Criminal Law and Criminology.—July, 1913.

every year. Remarkable changes have been accomplished, however, within a few years and in 1910 the men involved contributed in 29 per cent of the cases toward the maintenance of pregnant unmarried mothers, and 1209 fathers began to support their illegitimate children for the first time. A ninefold increase of the number in three years implies a new system of efficiency that should not only safeguard illegitimate children but reduce immorality as well. Leipsic introduced the system about 1903 and in a short time the guardians' court became responsible for over 3,000 illegitimate children. In a large proportion of cases it succeeded in making the putative father provide for his child without attempting court procedure but in 650 cases suits were filed. In 1913, 10,188 illegitimate children were under supervision and paternal responsibility had been greatly extended. Such support, however, gradually weakens as the child grows older.[60] A recent law in Austria provides for the supervision of all children born out of lawful wedlock.

The only American state that has attempted to provide illegitimate children with a definite guardian is Minnesota. Every public or private hospital and maternity or infants' home must report each case of illegitimacy to the state board of control. This board when notified of a case is to take measures for safeguarding the interests of the child, for determining its paternity and for securing, as nearly as possible, as much care, support and education for the child as if he were legitimate. Accordingly the board may initiate such legal action as may be necessary to accomplish these ends. It is empowered to enforce the law for the protection of illegitimate children and to do this may co-operate with juvenile courts and child helping agencies of a public or private character. It may appoint county child welfare boards which shall perform such duties locally as the board of control may

[60]U. S. Children's Bureau—Illegitimacy as a Child Welfare Problem. p. 51.

require. In counties where no such board is appointed the juvenile court judge may appoint an agent to assist in carrying out the provisions of the law. The law went into effect Jan. 1, 1918, and will be eagerly watched for results.

In the various states some system of general guardianship similar to the Minnesota plan should be instituted. The board of guardians should receive all reports relating to pregnant unmarried women and to the births of illegitimate children, or if illegitimacy is no longer recognized, to the birth of children born outside of lawful wedlock. The board should at once assume the general guardianship of the children. If they are properly cared for by the mother the chief form of supervision necessary will be probationary oversight either by an official of the board or by some person appointed by the board to serve in this capacity. The board should undertake to provide for the care of every illegitimate child. It should therefore make every effort to discover the father and to require him to assist in supporting the child. The procedure should follow the plan of investigation and sociological treatment common in the juvenile court. The board must not wait until a woman makes a complaint but it must assume the initiative and if necessary take the case into the courts. On the establishment of a child's paternity the court should make an order ample to meet the requirements and the board of guardians should enforce the obligations now placed upon the man. The board should deal with each case according to its merits. Often the parties may be reconciled and persuaded to marry. Sometimes the children should be removed from the parents and in all cases provision for proper care and education must be made. To become genuinely successful a system of general guardianship must be supplemented by effective bastardy and non-support laws and the systematic aid of judges and probation officers.

Child Desertion Laws

A comparatively recent development in the handling of

illegitimate children is the tendency to include provision for their care in a family or child desertion law. Some of the older laws explicitly provide for court action and penalty if the man or woman deserts his or her child or children born in lawful wedlock or legitimized. The illegitimate child is left without protection by such laws and unless safeguarded by other legislation can be abandoned by its parents or mother with impunity. The Delaware law of 1913 illustrates the new tendency in that it requires a parent to support his or her illegitimate children under the age of 16 in destitute or necessitous circumstances. Failure to provide for them constitutes a misdemeanor. The law further states that "it is hereby made the duty of the parent of any illegitimate child or children under the age of 16 years to provide for the support and maintenance of such illegitimate child or children."

The Massachusetts law relating to illegitimate children and their maintenance also passed in 1913 has similar but more drastic provisions. It provides definitely that if any father of an illegitimate child neglects or refuses to contribute reasonably to the support and maintenance of such child he can be punished under the provisions of the wife and child desertion law.

It will at once appear that such a law vigorously supplements the bastardy law that may exist, since a child must be maintained until it is 16 years old. If a child's paternity has been determined and the mother is physically unable to assist in supporting the child, the father cannot avoid his obligations, as he can be reached through the non-support, if not the bastardy, law. Among the first states to amend the law so as to make it apply to illegitimate children were Ohio, Nebraska and Wisconsin, but Massachusetts is the only state that has actually begun to apply the principle.

Pension and Insurance Laws

Since the great war began several European countries have made significant changes in their laws relating to illegiti-

macy. Under certain conditions the illegitimate child in England may now become the beneficiary of the separation allowance granted by the government and also receive a pension if the father is killed as a result of military service. Germany likewise grants pensions for the support of an illegitimate child provided the obligation of the father to render support has previously been established. It plans furthermore to grant such children the same war orphan pension that is promised to legitimate children.

The system of maternity insurance has likewise been extended. In England it applies to both married and unmarried mothers. In Germany a similar rule now applies, limited however, to mothers for whose children the fathers have acknowledged an obligation.[61] In every European country unusual efforts are being made to care for illegitimate as well as legitimate children. The falling birth-rate with its menace for the future of a nation no doubt has prompted much of this kindly effort and legislation.

The American government under the recent allotment and allowance law also made some provision for the illegitimate child. The word child included "an illegitimate child, but as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support and if such child, if born after December 31, 1917, shall have been born in the United States or in its insular possessions." An enlisted man had to make an allotment to the child he was ordered to support and an additional allowance could be granted by the government. However, the allotment and allowance together could not exceed the amount fixed in the order or decree. The law treated the illegitimate child with the same degree of fairness as did the respective states. Wherever the courts fixed adequate amounts for the support of illegitimate

[61]The facts presented in this connection are taken from the paper by Miss Emma O. Lundberg, read before the National Conference of Social Work, 1917. See Proceedings, p. 299 ff.

children a reasonable sum could be obtained from federal sources. In those states, however, in which no provision was made for bastardy cases the child received nothing from the federal government.

Article III of the federal law relates to compensation for death or disability and Article IV to Insurance. Under the same limitations as stated above the illegitimate child could become a beneficiary for the amounts allowed under the provisions of these sections of the laws.

The mothers' pension laws of the various states are gradually removing the restrictions against the unmarried mother. The new Massachusetts law provides that aid may be given to all needy mothers with dependent children under 14 years of age if such mothers are fit to bring up their children. The civil status of the mother is not considered but her eligibility to a pension is made to depend on her character.

The Missouri law of 1917 makes provision for the needy mothers with children under 16 or needy women about to become mothers, provided that the father is dead or if alive is in an institution for the insane, feeble-minded, epileptic, or criminal, or is permanently incapacitated, or has deserted, or been divorced from the woman. The law does not use the terms "wives", "widows", or "husbands," but substitutes "mothers" and "fathers" instead, thereby placing the unmarried mother on the same footing as her married sister. The older pension laws almost without exception limit the benefits to women who are or have become lawfully married, and are a reflection of the prevailing viewpoint that the illegitimate child must be penalized for his parents' transgressions. The removal of all distinctions as in the laws referred to represent the growing tendency to safeguard the welfare of the illegitimate child and to abolish the discriminations from which he has suffered.

Abolition of Common-Law Marriage

Under ideal conditions common-law marriage does not

promise much harm but in actual practice it is extremely disastrous. In the first place there is no record of the marriage and the absence of official evidence frequently leads to most serious results; for example, if the husband deserts it is practically impossible for the wife to secure maintenance because proof of marriage is impossible. It is hard to convince courts that the condition which the man and the woman have called common-law marriage actually constitutes a valid marriage. The man, therefore, is not regarded as a genuine husband and the case is lost.

Again, a common-law marriage is not usually a tie that binds for better or for worse. There is a decided tendency to separate and to live a promiscuous life. If separation or desertion occurs another marriage may follow, either formal or informal as before, yet the proof of bigamy would be as difficult as that of marriage when a case is pressed for non-support. Occasionally, however, the evidence has been sufficiently clear to convict a man formally married who was not divorced from his "common-law" wife, but, on the whole, legal action is usually impossible. Common-law marriage disregards the interest of the state in the family, the home and children, and cannot be a wholesome procedure. It has practically no valid arguments in its favor; and in view of the immorality and loose living which it invites, of the many children condemned to namelessness, of the low standards it produces, and of the degraded home life which it engenders, the system of common-law marriage should be abolished. Nor would the abolition of the status of illegitimacy justify the retention of common-law marriage. It would still be desirable for a child to be born in lawful wedlock since no question would be raised concerning his paternity. So long as difficulties arise in designating the putative father so long it is not possible to justify any system which tends to obscure paternity and to require court procedure to determine it. However, the situation would be less serious than now be-

cause an evasion of responsibility for the child would be more difficult.

Legitimation

In some countries legitimation is possible, in others not. Even in England, as was previously stated, where the putative father may be apprehended and forced to accept responsibilities, legitimation does not follow marriage unless marriage precedes the birth of the child. Once a bastard always a bastard, is the accepted principle of law, in spite of the serious hardships it works on the children. In several countries marriage must be accompanied by a formal act of acknowledgment of paternity. This condition is particularly true of the nations that follow or formerly followed the Napoleonic Code, such as France, Italy and Belgium. In the Teutonic countries, the principle of legitimation is generally accepted and as a result it has been estimated that from 25 to 30 per cent of the illegitimate children are legitimated. This proportion, if true, is much higher than any that prevails in the United States, where the number of subsequent marriages is small.

According to the statutory laws of some states, whenever a man marries the mother of his child the child is thereby legitimated and endowed with all the rights that belong to the legitimate child. This privilege is frequently limited to children whose parents at the time of the child's conception were not legally barred from marrying each other. In many states marriage must be supplemented by the acknowledgment on the part of the father that the child is his. If, on the other hand, the mother marries a man other than the reputed father of the child and he refuses to acknowledge the child as his descendant, the child is not legitimated but may be adopted by him and then enter into the rights of lawful heirs. Marriage with the putative father legitimates the child whether the marriage occurred before or after confinement. In some states a child may be legitimated by judicial proceed-

ing or by formal declaration which is made a matter of record. Children are sometimes born of parents whose intermarriage is prohibited by law, for example in case the parents are closely related, are of different races, or are feeble-minded. Such marriages may be annulled and the children, if this is done, become illegitimate and cannot be legitimated through any subsequent action of the parents. In a similar way, the person who marries while a former wife or husband is living cannot have legitimate offspring. However, in some countries the children of a voidable marriage are legitimate provided the parents did not know of their disabilities.

Since the war began several European countries have recognized the former inadequacy of their laws. France in 1915 passed a law providing for the legitimation of children by the intermarriage of their parents. The most radical feature of the law, however, authorizes the marriage of soldiers or sailors by proxy, if the prospective wife is pregnant, if such marriage is necessary to legitimate a child, or for other "good reasons." Italy also has provided for marriage by proxy. In the case of both nations there is an evident desire to legitimate as many children as possible.

Many men would now deal with the question of legitimation in an entirely new way, that is by actually abolishing the status of illegitimacy. All children are to be considered the legitimate children of their natural parents whether they are born in lawful wedlock or not.

North Dakota stands unique among the states of the Union as the first and only state so far that has abolished the status of illegitimacy and that now recognizes all children as the lawful descendants of their parents. The action of this state follows that of Norway which in 1915 passed a similar law. The Russian decree of December 1917 states that children born out of wedlock are on an equality with those born in wedlock with regard to the rights and duties of parents toward children, and likewise of children toward parents. There is no evidence that the handicaps imposed on

the illegitimate child are counterbalanced by a proportionate reduction of immorality or some similar gain. Nor would the removal of discrimination make obligations to children born out of lawful wedlock desirable.

Inheritance

An illegitimate child inherits through its mother and is usually cut off from any inheritance through the father. When legitimation occurs, then, of course, the child is no longer disqualified. Inheritance through the mother is both direct and lateral. Property which would pass to the mother from her parents will, if the mother is deceased, pass on to the child. In a similar way, if an uncle or aunt of the child should die under conditions which would call for distribution of the property among the brothers and sisters of the deceased, the child's mother would be eligible for a share and the child in turn would succeed to its mother's right.

The establishment of paternity does not insure the right of inheritance. The putative father may be officially discovered and designated and be compelled to furnish maintenance for the child, but his duties extend no further and the child has no additional claims. Paternity outside lawful wedlock makes no breach in the general rules governing the great institutions of private property. Both parents may be legally known but unless they have intermarried and the child is legitimated he must take the mother's name and can inherit only through the mother. In other words the child has an official sire with some responsibility for his offspring; but the man is in no sense a real father. In this respect, therefore, the status of the illegitimate child is most precarious and leaves much to be desired.

Several American states have recently modified the restrictions against the right of inheritance. In Kansas if a father has clearly recognized a child as his the child gains the right of inheritance. In several states children may inherit when paternity has been proven. Maryland in 1912

enacted a law whereby money is to be paid from the father's estate to the unmarried mother. The sum, however, cannot exceed $500, nor more than one-half of the amount that a legitimate child would receive. The money due the woman is a definite charge against the estate and cannot be avoided. This is not strictly speaking inheritance by the child from the father, but the share which the mother may receive can be passed on to her child. Indirectly, therefore, the child may obtain possession of some of the property of his father.

North Dakota in 1917 enacted a law providing that children born out of lawful wedlock may inherit from their fathers in like manner as from their mothers. The principle, however, can apply only when the paternity has been officially established. Minnesota has also granted the right of inheritance from the father but prohibits it from relatives of either parent if no marriage has occurred. In several other states bills of a similar character have been considered but rejected. The full right to inherit from the father should eventually be established everywhere.

The Norwegian Law

More serious efforts have been made in Norway than in any other country to break away from the conventional method of handling illegitimacy and to introduce radical reforms. For many years the Norwegian parliament has been struggling with measures relating to this subject and in view of the fact that nearly one-tenth of all the births in that country were illegitimate the question was given the most earnest consideration. A bill was finally passed in March, 1915, to become effective January, 1916, which carries with it several radical changes in the treatment of the problem.[62] The customary point of view is entirely changed and the existence of illegitimacy is not recognized nor the word used in the law.

[62]Children's Bureau—Norwegian Laws Concerning Illegitimate Children.

This attitude naturally opens the way for several innovations. To begin with, the state becomes a sort of foster mother and public aid is granted to mothers, married or unmarried, for prenatal care, and also for post-natal attention for a period not exceeding six months. One of the benefits expected from this measure is a decided reduction in the mortality of illegitimate infants as well as the development of affection by the mother of her child. It should tend to keep mother and child together in a larger percentage of cases than heretofore.[63]

A second innovation is the right of the child to assume the father's name. This right, of course, is impossible so long as the putative father has not been designated, but with gradually improved facilities for the determination of this fact a large number of children will have the opportunity to escape the ignominy that to some extent attaches itself to the child bound to the metronymic system illegitimacy has in the past imposed upon it. Furthermore, it involves recognition by the father and the world begins to consider the child not only an individual whom the law has compelled the father to support, but as a real son or daughter of the man; while the man is regarded as a father instead of putative progenitor. The law requires the state, not the mother, to initiate proceedings for the support of the child, but the mother must also contribute to its support. Furthermore, the child must be supported on a plane corresponding to the financial status of the wealthier parent.

Perhaps the most radical reform is that which permits the natural child to enjoy equal inheritance with the children of lawful wedlock. A great gain has been made when inheritance through the paternal ancestry is allowed at all while equal rights are decidedly revolutionary.

Two important consequences are expected from this provision of the law. The lot of the natural child will be decided-

[63]Evangeline W. Young, Medical Review of Reviews. May, 1915. p. 284.

ly improved as under the old system little property was ever inherited. Usually, the mother was poor; frequently, she was disinherited because of her sin, and her accumulations subsequent to her downfall did not net a large sum for her child. Under the new law a higher economic status is bound to follow. In the second place, the father purchases a new obligation. If he is married he probably adds an additional child to the number already enjoying a claim on his property. That the prospect of such heirs will be a deterrent factor there can be no doubt. That occasionally the converse will be true is also likely and the man with an affinity may deliberately weigh the consequences, but the general effect will be decidedly deterring. If the putative father is single he reduces his marriageability and carries a millstone about his neck. Not only will he have lost prestige, but his judgment, as well as his morals will be impugned. He cannot escape his obligations as can the father in most countries and he has incurred a permanent liability from which only the death of the child can release him.

An interesting feature of the law is the abandonment of the principle "exceptio plurium concubentium," the nature of which has already been described. Norway now holds all of those implicated responsible and each must share the burden. Perhaps the law at this point is unnecessarily drastic. If the mother under oath names a man as the father of her child he must either acknowledge or disprove the charge. Unless non-access for a period ranging from 302 to 180 days before the birth of the child can be proven by the man or the men charged with possible responsibility for paternity, joint support is required. Under these conditions the child does not enjoy the right of inheritance from his father.

Proposals of Missouri Children's Code Commission

Perhaps the new thought can be fairly well expressed by an outline of the bills relating to illegitimacy proposed by the Missouri Children's Code Commission to the Legislatures

of Missouri in 1917, 1919 and 1921. The measures were as follows:[64]

1. An act to equalize the right of inheritance as applying to legitimate and illegitimate children.

2. An act to provide that children born out of wedlock shall be deemed legitimate after the parents marry, without formal acknowledgment.

3. An act granting to that parent of an illegitimate child whether father or mother who actually has the custody and control of the child the right to the services, and earnings and to the management of the property of such child.

4. An act providing that every child hereafter born shall be deemed the child of its natural parents, and that any interested person may institute a proceeding in the juvenile court to determine the parentage of any child under 18 years of age. Such proceeding, however, must be brought during the lifetime of the reputed parents. In all such cases the hearings may be held in private and the evidence sealed.

5. An act compelling support of an illegitimate child by its father and placing the duty of support on both father and mother.

6. An act permitting the court to compel several men who are shown to have been intimate with the unmarried mother during the period when the child must have been conceived to contribute to the support of the child provided its paternity cannot be definitely established. Proceedings in such cases are not public and the evidence is sealed.

7. An act abolishing common law marriage.

8. An act providing that child desertion shall include desertion by its parents of an illegitimate child.

9. An act requiring a legal order of the court to transfer the control or custody of a child. This bill aimed to reach

[64]Reports of Missouri Children's Code Commission, 1916 and 1918. Bulletin, Missouri, State Board of Charities and Corrections, Dec., 1920.

"baby farming" and traffic in babies by immoral and irresponsible agents.

10. An act fixing the age at which a girl may marry with her parents' consent at fifteen years.

11. An act providing for the supervision and regulation of maternity hospitals, boarding houses for infants and boarding homes for children.

12. An act raising the age of consent from 15 to 16 years.

13. An act providing for mothers' pensions, without reference to the conjugal condition of the mother.

The foregoing program is at once an evidence both of the shortcomings of individual states and the nature of a constructive program. In justice to Missouri it may be added that during the various years that these bills have been before the legislature nearly all of the principles involved have been crystallized into laws. Nevertheless, the most important of these principles as outlined in paragraph 4 has been temporarily rejected and the bill covering paragraph 6 met with such unreasonable but vigorous opposition in 1917 that it was not presented to the succeeding legislatures. Progressive thought is far ahead of legislative enactment.

In conclusion it may be safely claimed that American law and its administration have so far accomplished but little toward the solution of the problem of illegitimacy. Fathers have been designated in a small proportion of cases only; the amount of support or maintenance ordered has been woefully inadequate; the babies have been given but little attention, the children have been denied rights and opportunities, mothers have been compelled to struggle with life largely according to their own resources and the volume of illegitimacy has not been reduced. In Europe with its exorbitant rates of illegitimacy public action has been amazingly futile and unsuccessful, but some progress is being made. For both Europe and America an effective display of the possibilities of enlightened legislation is largely the work of the future. And the greatest need is an aggressive public opinion that will in-

sist on the application of the law to the offending parties. The best legislation will be utterly useless unless the people demand that the officials enforce and carry out the law. The program is intricate and unless every part of it is faithfully followed the preventive effect of legislation will be worthless. Unlawful and irregular sex relations must be made economically and socially undesirable.

CHAPTER VIII

PREVENTION

The causes of illegitimacy are largely the causes of immorality, but there is a difference, for many a trustful girl has yielded her body under conditions that hardly make possible the imputation of depraved and ignoble standards. Illegitimacy is also distinguished from immorality in that it is an objective manifestation of sex experience. Society is not easily moved by that which it cannot readily see or feel, but it is affected by the things that are tangible and objectively concrete. The problem of illegitimacy is therefore similar and yet not identical to that of immorality.

The prevention of immorality has hardly become a hope; and the prevention of illegitimacy is almost as difficult. The realization of the program will be the work of decades, if not centuries, and its details are so complicated and perplexing that an extended discussion would only confuse and obscure. Nevertheless, brief mention of the ramifications of such a program should be made in order to give a better perspective to those dealing with the unmarried mother and her child, and to give additional impetus to a number of movements that promise to strike the evil at its source and that cannot fail greatly to reduce immorality. A preventive program must have two classes or types of individuals in mind. The first is composed of the mentally or physically abnormal, who even in a creditable environment are unable to save themselves from immorality and who either become aggressive in vice or its inevitable victims. Such persons lack will power, are helpless before suggestion or possess an abnormal or perhaps an insatiable sex appetite. The second group consists of persons who are fundamentally normal in brain, physique and emotion, but who suffer through ignorance, lack of moral

and religious training, poverty, unwholesome customs and other unfavorable conditions of environment.

Remedial Legislation as Preventive Work.

In the preceding chapters we have spoken of measures dealing with men and women after acts of illicit sex intercourse have been committed. These measures are therefore largely remedial in character and aim primarily to insure the care and protection of the child. Nevertheless, a program such as outlined, if rigidly enforced, would not only protect the mother and the child and compel the father to assume a richly deserved responsibility for his extra-conjugal offspring, it would also prove a powerful deterrent and greatly lessen the prevalence of births outside of lawful wedlock.

The more fundamental preventive measures, however, do not consist of revolutionary methods of dealing with offenders, but of a constructive program with the boy and the girl before their experience with vice. Such a program would be less costly than remedial effort, but it is more difficult to put it in operation. The passion for prevention cannot be aroused until conditions have become serious; until many people have been impressed thereby, and the ineffectiveness of mere reform has been established. Although it is permanent and fundamental, the way to prevention leads through the field of remedial effort, and the goal is not easily reached.

Control of Defectives

The program to reduce illegitimacy by controlling the mentally and morally unfit includes a plan for the extended care of the feeble-minded. There is little hope of restraining this class of defectives from the practice of immorality after they have once begun illicit sex relations, and they lack foresight to weigh the consequences. Usually they are sexually well-developed and, being without sufficient will power to control their passions, they succumb to their lower instincts and become a prolific source of illegitimacy. A program of

moral education and sex instruction will not solve the problem, unless they can live in a practically perfect environment in which immoral suggestion will never tempt. Such a hope is visionary; consequently a policy of segregation and institutional care must be adopted. In the United States we have hardly begun to meet the situation since a very small proportion of the feeble-minded are now given institutional care for defectives. A larger percentage are cared for in penal institutions, insane asylums and almshouses, but segregation in these institutions is not generally permanent, and in actual fact the great majority are restored to freedom and return to society.

Perhaps two-thirds of the defectives are at large, never having been inmates of any institution, and are a direct social menace because of their mental and moral weakness. Again, the persons in institutions are to a large extent representatives of the lowest groups of the feeble-minded and the ones least liable to become parents. The greatest danger arises from the excesses common among the high-grade imbeciles, the morons and the border-line cases. To the superficial observer the majority of these are normal; although recent investigation clearly shows that they lack the qualities necessary for the perpetuation of virtuous manhood or womanhood. The weak-minded males are less dangerous than the females, because they cannot easily seduce normally-minded women while the weak-minded females are the constant prey of men from many walks of life. The feeble-minded of both sexes mingle with each other to some extent and in so far as this condition exists the male element is also a dangerous factor. But it is extremely hazardous to permit the weak-minded females to remain at large, and institutional care should, therefore, be provided for them even though under normal conditions they are able to maintain themselves. Such a step involves public care of thousands of women, but in the long run it will greatly reduce the burdens of society through the elimination of much poverty, feeble-mindedness, crime

and illegitimacy. Furthermore, colonies composed of women of this type can be made almost entirely self-supporting. If so, the cost to the public would be reduced to a minimum. Every state should at once take steps to segregate feeble-minded women of child-bearing age and provide facilities for their employment under the best conditions possible for their happiness and welfare. Steps should then be taken to safeguard society against feeble-minded boys and men. Compulsory commitment laws should be enacted, thereby enabling a community to protect itself at all times against any feeble-minded person. Institutions must of course exist to make such laws practicable.

Every age of consent law should carry a clause providing that any man having carnal relations with a feeble-minded girl or woman of any age is guilty of rape and shall be punished accordingly. The state of New Mexico has a provision of this kind in its law, the term "imbecile" being used to designate the feeble-minded. If the girl with a child mind can be protected from exploitation much immorality will be prevented. However, at this time the enforcement of such a law is fraught with serious difficulties; judges deal lightly with offenders; juries sympathize with immoral men and adequate machinery for determining mentality exists in few localities. Nevertheless, legislation must be pressed, both to segregate the girl and to protect the woman at large.

The second type of abnormal individual in urgent need of attention is the sex pervert, whether male or female. The male is dangerous as a possible criminal; the female as the purveyor of disease, and the mother of illegitimate children. Already several states provide for the asexualization or sterilization of certain criminals guilty of serious offenses against sex. It would be well if all perverts could either be definitely segregated or sterilized and rendered harmless. There is no doubt that some women fall into this class and that many prostitutes, inmates of reformatories for girls and women, and even delinquent girls placed on probation by the courts

should be carefully examined and classified, and the perverts among these groups sterilized or detained as long as society needs protection against them. Unfortunately, sentiment at this time practically nullifies the sterilization laws now on the statute books. Nevertheless, the penalty proposed is a logical remedy for persistent crime against sex and can justly be applied to the sex pervert at least, if not to offenders confined for other causes.

Constructive Measures

A program or policy of segregating the dangerous and unfit, or of rendering them harmless, must be supplemented with an effective plan of personal work which involves the development of high standards of morals and adequate knowledge of sex and its meaning, and which makes fit all those having capacity for normal life. Without doubt this classification includes the great majority of individuals.

A. **Individual Training.** There are a great many environmental conditions, especially in our large cities, that tend to break down moral fiber, yet it is only too clear from general observation that high moral principles and ethical conduct are not taught our young people in such a manner or to such an extent as will make them resistant to the pressure of vice. The churches, schools, and parents—all have fallen short of their opportunity. Religion has failed partially because of a tendency to teach abstract morals instead of making precept definite and concrete. The schools have largely avoided mention of sex life and many parents have not been adequately fitted to deal intelligently with the problem.

It is necessary to develop sound morals and capacity for resistance to temptation. Without doubt the teaching of personal and sex hygiene may stimulate the desire for right living and promote habits of upright conduct. Especially is this true if emphasis is placed on the social and moral obligation to remain pure. But something more than sex knowledge

is necessary; the knowledge must be inspired and energized by moral fervor; otherwise immorality may not even seem a menace. Virtue is desired not because vice involves the danger of loathsome disease, but because it is necessary for the greatest good. Fear of the physical consequences is not a compelling deterrent from the acts that lead to illegitimacy. It may indeed deter many who would otherwise patronize the prostitute. Although many unmarried mothers are diseased, illegitimacy is after all a phenomenon manifesting itself among a group but few of whom are engaged in commercialized vice. Accordingly, sex ideals are relatively more important in reducing the evil, and high standards of ethics must be created alike among boys and girls. "Honor your neighbor's sister as your own" is a motto boys must learn, while girls must be taught the danger of the petty and insinuating temptations they place before the boys. The single standard of morals must be energetically taught and the fallacy of sex necessity exploded. However, a large proportion of the men of today are unable because of their own delinquencies to participate effectively in the carrying out of this program.

The author believes that sex and moral education are closely inter-related, and that the churches must assume a share in the task of developing in our young people the needed moral stamina. Although the statistics show that in the past a particular religion has had but little effect on the prevalence of illegitimacy, without doubt the socialized religion of the future can become a powerful factor. There are many church organizations, some of which at least can definitely share in this program.

In a similar way the inactivity of the school must be succeeded by an appropriate plan of sex instruction and effective moral training. We are probably unable as yet to subscribe fully to any concrete plan of sex education; nevertheless, some of the elementary principles are well established and much good work may be done. In some localities con-

siderable immorality has been unearthed among the older or high school children. Whether it is greater than that existing among working children of equal age is quite immaterial. We ought to insist that our schools, either in a formal way through ethical instruction or in an informal manner by actually imparting the genuine ethical contest, promote such standards as will practically eliminate immorality among this class of young people.

The influence of parents over their daughters is indicated partly by the high rate of delinquency among girls coming from broken homes. Still, mothers have not taken daughters sufficiently into their confidence and their diffidence in discussing sex problems has greatly hindered the growth of vigorous ideals among girls.

The direct influence of the father is largely limited to the influence of example, or at least apparent example, and not of precept. Nevertheless he vehemently condemns the misstep which his daughter may have taken. Boys need to find companions in their fathers, men whom they can trust, who will teach personal purity and who will demand right standards of conduct. Intemperance, immorality, profanity and vulgarity among men contribute largely to debased ideals among boys. Surrounded by such influences young men easily plunge into immorality.

There are other agencies that can directly influence the character of our youth. Among these are our social hygiene societies, boards of health, civic and social agencies, young people's organizations, physicians, etc. In many cases, however, they do not directly touch our young men and women but influence parents, teachers and others; and these in turn bring the message to the young people. The social hygiene societies which at first limited their discussion almost exclusively to the physical effects of immorality have gradually increased the emphasis placed on the duty of right living. All successful work must combine moral with sex hygiene.

The direct effort with boys and girls succeeds only as

capacity is developed to withstand suggestion and importunity. The weakness of many young women has been disclosed by statistics. Deception is a factor of alarming importance. Sex knowledge, will power, high ideals, a single standard of morals, an understanding of the tempter's devices—these are the attainments needed to protect young women and to stabilize the character of the young men.

B. **Improvement of Environment.** The influences that develop habits and conduct are subtle and intricate. Besides the direct instructional agencies discussed in the foregoing pages are the environmental influences such as employment, leisure, recreation, housing conditions, associations, neighborhood influences, poverty and intemperance. These factors work indirectly but unfailingly. If they are uplifting the results will be good; if not, vice and immorality will certainly follow. Probably no better illustration of this fact can be given than the remarkable success achieved in some of the army camps. The secret of the success lay in the character of the daily routine of life. Work was followed by judicious systems of recreation and amusement, while uplifting influences constantly abounded. As a consequence the venereal disease rate was greatly reduced, and in so far as sex irregularity has been eliminated the rate of illegitimacy throughout the country has been affected.

One of the chief character builders or destroyers is the use made of leisure time. The recreational life of the mentally and morally immature is particularly important because plastic character yields easily to external influences. To meet this problem two important developments are necessary; first the promotion of a comprehensive scheme of recreational activities which will attract and hold the interest of young people; and second, the control and supervision of the commercial amusements, particularly the dance hall, moving picture and cheap theater. The first part of this program involves a wide extension of public recreational facilities.

Schools must be generally used as social centers and mixed dancing allowed therein. Civic centers must be established; small parks must be conveniently located throughout our large cities and provisions for recreation be enlarged in all parks. In most cities the leisure of young people receives much less attention than that of children. Playgrounds for the very young have been established almost everywhere, but individuals from 16 to 21 years of age have received but scant attention, yet it is precisely this group of persons who must be wisely directed if illegitimacy is to be reduced. The failure of public and philanthropic agencies to make adequate provision for them drives the young people into the arms of the commercial recreations.

The public dance hall contributes greatly to the volume of illegitimacy and must therefore be carefully supervised. As with the dance hall so with other commercial amusements. The mind that is relaxed must not be filled with immoral thoughts; the feet that are idle must not be lured by seductive voices. The busy person cannot sacrifice the time to become immoral, the unhampered devotee of recreation easily finds the leisure and the opportunity for wrong-doing. Every recreation should therefore stimulate and inspire so that the emotions produced may be transformed into reputable forms of conduct. To produce this result careful supervision of recreation and amusement is necessary as well as a definite policy for the gradual socialization of recreation.

It is necessary to make employment safe for young women. The domestic servant must have better opportunities for self-expression and obtain a more reputable social status. The temptations surrounding office girls are productive of much immorality. A cleaner atmosphere must be provided. Girls cannot be allowed to engage in morally hazardous occupations, such as the messenger service. Young girls must be prohibited from following the allurement of stage life.

Wherever the environment of work and occupation is a moral menace prohibitory measures must be adopted.

The lack of privacy is a most unfortunate handicap. The children from a one-or-two-room apartment become inured to indelicacies, the effects of which coarsen and harden and often unloosen the restraint on sex experience. Bad housing conditions must be prevented. Congestion in the home is demoralizing. Whether poverty or low ideals are the causal factors their removal is necessary properly to conserve the morality of the growing child life of a community. Congested homes frequently imply bad associations. The high rate of juvenile delinquency in the slums and the relatively low standards among girls are partly due to the debasing effects of neighborhood influences. One bad boy or girl can demoralize a group and to prevent the latter from contamination he or she must be isolated, avoided or reformed. Men and women are a large part of the environment of other men and women. The most immediate program of effort consists of neighborhood or community work through settlements, institutional churches, civic and social centers. This must be supplemented with a well-developed program of better housing. If these aims are accomplished the destructive forces of a community will greatly decline and the tendency to illicit sex intercourse be reduced.

CONCLUSION

It would be unwise to attempt the presentation of a complete program because sufficient social information to make this possible has not yet been obtained. Furthermore we can hardly hope to prevent all immorality so long as human beings are erring and wayward. Even the entire transformation of our social and economic fabric would not realize this hope. The present duty is to make a beginning. The remedial program should be pushed with the utmost vigor. Sentiment must be created to make it a reality and to insist on its perpetuation. Unless we are vigilant the

laws will be nullified or disregarded. Vigorous action in some German cities is said to have brought into existence a society for the protection of putative fathers. Public opinion must be so aroused that the fathers of illegitimate children will not venture to evade their obligations.

Because of its far reaching consequences the program for the control of defectives is making rapid progress. Social agencies are unanimous in their demand for greater institutional facilities and for stricter surveillance of the feeble-minded. Sentiment is growing in favor of the compulsory commitment and detention of mental defectives. This measure is being urged by the social workers because of its eugenic advantage as well as its effects on illegitimacy.

The constructive program that deals directly with the normal individual or his environment is confronted with tremendous obstacles. To begin with, this program with some modifications, is also the line of effort demanded for many other reforms, and while it will receive the support of those interested in preventive work it will be strongly opposed by the anti-social elements. In the second place, it involves fundamental changes in our methods, activities and even social organization, and will, therefore, be opposed by the reactionary groups. Illegitimacy is not an isolated phenomenon, but is inextricably bound up with other social problems. notably with the never-ending problem of commercialized vice. Nevertheless, it presents features peculiar to itself, and for this reason justifies separate consideration and even a statement of plans for its gradual elimination. However, plans which purpose to control sex passion and subject it to social and ethical considerations are changeable and must be adapted from time to time.

Emphasis should be limited here to the need of higher standards of morality and to the fact that the time is ripe for active work. Nothing could have given the subject of illegitimacy more attention than the great war, now happily over,

Never before have the people been so ready to carry out a program of action. Accordingly, leaders and a plan of work must be provided and the evil itself reduced if not eliminated.

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INDEX

Abortion 80
Abortionist, methods of 80
Adoption, of illegititimate children 84
Massachusetts law on 151
Through maternity homes 84
Advertisements by maternity homes 83
Age of consent 134-144
evolution of law on 141
meaning of 135
proper 139
reasons for 136-8
relation of, to sex instruction 139
Age of consent law 135
grading of punishment under 144
in England 134
in the U. S. 143
provisions of 140
qualified age limits in 142
Age of putative fathers 76
Age of unmarried mothers 60, 62
Alcohol 55
Almshouses, illegitimate births in 44
Aronovici, Carol 45
Australia, illegitimacy in 38, 62
pre-nuptial relations in 38
Austria, guardianship law in....169
Baby-farm 88
Baden, age of unmarried mothers in 60
Baltimore, home conditions of unmarried mothers in....47
Bastard, discrimination against 129
Bastardy law, administration of, ...152-167
enforcement of 153
nature of 152
suits brought under 154
weaknesses of 167
Bavaria,
illegitimacy and religion in 72
relation in, of illegitimacy to city life 73
Berlin, illegitimacy and occupation in 64
Betrothals 38
Birth registration, methods of 147
model law on 146
Birth registration area 14, 23
Borosini 75, 131, 168
Boston, home conditions of unmarried mothers in 50
illegitimacy in 19, 33
putative fathers in 78
religious affiliations of unmarried mothers in 72
Boston Conference on Illegitimacy 50, 104, 156
Breast feeding 110
Broken homes 48
Buda-Pesth 39
Bureau of the Census 20
Cash settlements 160
Catholicism 72
Census, Bureau of the 20
Chicago, bastardy cases in 157
birth registration in 147
broken homes among unmarried mothers in 49
disappearance of babies in 89
illegitimacy in 33
maternity homes in 33
Chicago Juvenile Protective Association 89
Child desertion law 170
Child-caring agencies, methods of 103

Children, illegitimate. See illegitimate children
Children's Bureau 22, 27
Christian Service League 128
Church, sex and moral education by 189
Cincinnati, putative fathers in 77
Cities, rate of illegitimacy in 73
Civil procedure in bastardy cases 154
Cleveland, occupations of unmarried mother in 69
Colorado, age of consent in 141
Commercial maternity homes 34, 82
Common law marriage, argument against 29, 174
legality of 29
prohibition of 174
Compensation under bastardy laws .....156 ff
Conferences on illegitimacy 108
Confinement, place of 33
Connecticut 16
Country life and illegitimacy 73
Crime, bastardy classified as, in Pennsylvania and Massachusetts 153
Criminal procedure in bastardy cases 153
Criminality among illegitimate children 130
Crittenton homes 97
Defectives, age of consent law applied to 187
compulsory commitment of 187
control of 186
Delaware, age of consent law in 135
Delinquency, juvenile, among illegitimate children 130
Desertion law, child 170
Discrimination against bastards 129
District of Columbia, registration of illegitimate births in 147
Domestic relations courts 164
Domestic service, relations of, to illegitimacy .....68ff.
improved status of 192
Double standard of morals 2, 5-7
Drahms, August 130
Dresden, guardianship of illegitimate children in 168
Drunkenness 55
Engel, Sigmund 131
England, age of consent in 140
common law marriage abolished in 40
decline of illegitimacy in 17
infant mortality in 120
rate of illegitimacy in 17
English Poor Law Commission 48, 97, 122, 166
Europe, illegitimacy in 28
Exceptio plurium concubentium 161
principle of, abolished in Norway 180
Fathers, putative, age of 76
civil conditions of 77
occupations of, in Boston 78
occupations of, in St. Louis 78
Feeble-mindedness, control of 185
hereditary character of 43
in Virginia 43
institutional care of 186
relation of, to illegitimacy 41
Females, excess of marriageable 75
Foreign-born, illegitimacy among 21, 25
Foundling asylum 92
Foundlings 110

France, delinquency among illegitimate children in 130
illegitimacy in 73
Napoleonic Code modified in 153
German Civil Code 166
Germany, guardianship plan in 118
illegitimacy in 28, 64-67
infant mortality in 118
occupations of unmarried mothers in 64
Girls' Protective Association, St. Louis 54
Goddard, H. H. 43
Guardianship, public, of illegitimate children 168
in Austria 169
in Germany 169
in Minnesota 170
Healey, Dr. 56
Heredity, relation of, to illegitimacy 36
Home conditions among unmarried mothers .....48ff.
in Baltimore 47
in Boston 50
in Philadelphia 50
unwholesome 50
Home training, defective 47
Homes, broken, among unmarried mothers 50
Hospitals, maternity 98
municipal 94
private 98
rehabilitation methods of 95, 99
Housing conditions, among the poor 52
need of improving 193
Ignorance, illegitimacy due to 48
Illegitimacy, attitude toward 1
causes of .....36ff.
causes of, in Europe 36
computation of rates of 15
decline of, in England 17
increase in 26
rate of: according to race 21
among foreign born 21
in Australia 38, 62
in Europe 28
in Ontario 74
in registration area 21
in U. S. 14-27
in various cities 23
relation to, of domestic service 68
of drunkenness 55
of feeble-mindedness 41
of home conditions 47, 50
of ignorance 48
of low ideals 49
of occupation 64
of overcrowding 51
of proportion of unmarried persons 75
status of abolished, in North Dakota 128
in Norway, ...179
Illegitimate birth, concealment of record of 146
early records of 15
in Europe 28
in United States 14-27
registration of 21
still births among 116
Illegitimate children, application of desertion law 170
dependency of 125
diseases among 120-1
inheritance of 177
mortality among 119
public guardianship of 168
right of, to father's name 179
Immorality, prevention of 184
Indiana, baby farms in 88
supervision of maternity homes in 150

Infant mortality among illegitimate children 118
causes of 122-4
Infirmary, state, in Massachusetts 45
Inheritance, North Dakota law on 178
Norwegian law on 179
right of illegitimate child to 177
Ireland 53, 71
Jews, illegitimacy among 39, 72
Johnstown, Pennsylvania, illegitimacy in 25
Juvenile Protective Association, Chicago 89, 157
Kammerer, causes of illegitimacy according to 57
on age of unmarried mothers 62
on occupations of unmarried mothers 69
Lange, August 65
Leffingwell, Dr. 36, 71
Legislative reform 145-183
Legislation, age of consent 185
birth registration 146
to prohibit common law marriage 174
to provide equal inheritance 177
Legitimation, amount of 130, 175
in Europe 175
in North Dakota 176
laws relating to 176
Legitimate births, still births among 116
Legitimate children, infant mortality among 119
Leipsic, guardianship of illegitimate children in 168
Leisure time, control of 191
effects of unsupervised 53
Lindner, on relation of illegitimacy to religious affiliation 71
London 73
Low ideals 49
Magdalen homes, feeblemindedness in 46
Marriage, common law 29, 40, 174
of parents of illegitimate child 111
Massachusetts, adoption law in 127
bastardy law in 153
illegitimacy in 15
Massachusetts state board of charity, care of unmarried mothers by 83
births in 33
charges of 85
commercial 82
supervision of 150
Maternity hospitals, social service methods of 99
Mental defectiveness, examination for 42, 45
Mentality, and illegitimacy 42, 132
low 41
Michigan, registration of births in 18
Migration of unmarried mothers 31
Milwaukee 69
Minnesota, bastardy law in 169
provision for return to state of fugitive father 159
recording illegitimate births in 149
state board of control in 162
Missouri, legislation in 180
Missouri Children's Code Commission, measures proposed by 181
Missouri School of Social Economy 51, 126

Moral Responsibility, age of 134
Mothers, age of unmarried 60, 62
occupation of unmarried 68-70
Mothers' and babies' home 107
Mothers' Pension law, service of, to unmarried mothers 181
Munich, delinquent girls in 131
Napoleonic Code, inquiry into paternity prohibited by 152
Nebraska, Supreme Court of 142
Negroes, illegitimacy among 21, 60
migrations among 33
New Mexico, age of consent law in 187
New York, dependent children in 125
Nixon, J. W. 38, 70
North Dakota, status of illegitimacy abolished in 178
Norway, advanced legislation in 178
status of illegitimacy abolished in 179
Occupations of unmarried mothers, in Baden 66
in Berlin 64
in Cleveland 69
in St. Louis 69
in United States 68
Ohio 60, 74
Ohio Supreme Court 135
Ontario, illegitimacy in 74
statistics of towns in 74
Overcrowding 51
Paternal support of illegitimate child, need of laws enforcing 156
Paternity, determination of 153 ff.
Pennsylvania, bastardy law in 153
Pension and insurance laws, provision for illegitimate children under 172
Pensions, mothers' 172
Persons, C. E. 57
Philadelphia, bastardy cases in 159
race distribution of unmarried mothers in 25
statistics in, relating to putative fathers 76
Placing out of illegitimate children, value of 105
Pregnancy, first 30-1
Pre-natal care 109
Pre-nuptial relations, in Australia 38
in Germany 38
Preventive work 184
Previous immorality 30
Prostitutes, illegitimate origin of 131
Protestant countries 72
Public dance halls, relation of, to illegitimacy 53, 192
Putative fathers. See Fathers.
Rape 135
Rate of illegitimacy, decrease of, in England 17
how computed 15
in Europe 28
in United States 27
records of the 15
Recreation, need of 191
unwholesome, and illegitimacy 53
Registration of illegitimate births, in District of Columbia 147
in Missouri 146
need of 148
practice concerning, in various cities 149
Rehabilitation, of unmarried mothers ....110ff.
failure to effect 112

Religion and rate of illegitimacy 72
Religious training, general effects of 58
need of 97
Rescue homes, character of 96
English 98
Royal Commission on Poor Laws, English 122
opinion by, on rescue homes 97
recommendations of, relating to care of illegitimate children 166
Russia 176
St. Louis, broken homes in 126
illegitimacy in 23-4
migration of unmarried mothers in 31
occupation of unmarried mothers in 69
putative fathers in 78
Salvation Army rescue homes 97
Sanitaria, purpose of 126
well-to-do girls in 127
Schools, social centers in 191
sex instruction in 189
Segregation of feeble-minded 187
Settlement laws and migration of mothers 163
Sex impulse 10
Sex instruction, need of 188
Sex irregularity 30
Sex necessity 8
Sex pervert, treatment of 187
Sexual suggestibility 10, 56
Single standard of morals 189
Social centers 191
Social hygiene societies 190
Standard, double, argument against 8
reasons for existence of 5ff.
Sterilization, of perverts 187
Still births, causes of 117
number among illegitimate 116
proportion of, to all births 116
Syphilis, among illegitimate children 120
among unmarried mothers 30
Toronto 74
Townley-Fullam 39, 72
Tredgold, Dr. 46
Trounstine, Helen 128
United States, age of consent in 143
age of unmarried mothers in 60-62
birth registration in 15, 21
illegitimacy in 14-27
pension and insurance law in 172
relation in, of urban and rural life to illegitimacy 74
still births in 116
United States Children's Bureau 22
Unmarried fathers. See Fathers.
Unmarried mothers, age of 60-62
diseases among 30
home conditions of ....48ff.
mentality of 46
migration of 31
occupational distribution of 68
previous sex irregularity of 30
rehabilitation of ....110ff.
separation of babies from 128
well-to-do 127
Virginia, illegitimate families in 44
Virginia State Board of Charities, Report by, on feeble-mindedness 43
Virtue 8
Washington, D. C., birth registration in 147

still births in 116
unmarried mothers in 60
Weidensall, Jean 41, 45
White population in United States, illegitimate births among 24
William the Conqueror 140
Wisconsin Vice Committee 69
World War, effect of, on illegitimacy 58

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